

PRIOR PROVISIONS

Prior section 902 was renumbered section 2302 of this title.

Provisions similar to those in this section were contained in section 218(b) of this title prior to repeal by Pub. L. 102-83, §2(a).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 7455 of this title.

§ 903. Uniform allowance

(a) The Secretary may pay an allowance under this section for the purchase of uniforms to any Department police officer who is required to wear a prescribed uniform in the performance of official duties.

(b) The amount of the allowance that the Secretary may pay under this section—

(1) may be based on estimated average costs or actual costs;

(2) may vary by geographic regions; and

(3) except as provided in subsection (c), may not exceed \$200 in a fiscal year for any police officer.

(c) The amount of an allowance under this section may be increased to an amount up to \$400 for not more than one fiscal year in the case of any Department police officer. In the case of a person who is appointed as a Department police officer on or after January 1, 1990, an allowance in an amount established under this subsection shall be paid at the beginning of such person's employment as such an officer. In the case of any other Department police officer, an allowance in an amount established under this subsection shall be paid upon the request of the officer.

(d) A police officer who resigns as a police officer less than one year after receiving an allowance in an amount established under this section shall repay to the Department a pro rata share of the amount paid, based on the number of months the officer was actually employed as such an officer during the twelve-month period following the date on which such officer began such employment or the date on which the officer submitted a request for such an allowance, as the case may be.

(e) An allowance may not be paid to a Department police officer under this section and under section 5901 of title 5 for the same fiscal year.

(Added Pub. L. 102-83, §2(a), Aug. 6, 1991, 105 Stat. 398.)

PRIOR PROVISIONS

Prior section 903 was renumbered section 2303 of this title.

Provisions similar to those in this section were contained in section 218(c) of this title prior to repeal by Pub. L. 102-83, §2(a).

§ 904. Equipment and weapons

The Secretary shall furnish Department police officers with such weapons and related equipment as the Secretary determines to be necessary and appropriate.

(Added Pub. L. 102-83, §2(a), Aug. 6, 1991, 105 Stat. 399.)

PRIOR PROVISIONS

Prior section 904 was renumbered section 2304 of this title.

Provisions similar to those in this section were contained in section 218(d) of this title prior to repeal by Pub. L. 102-83, §2(a).

§ 905. Use of facilities and services of other law enforcement agencies

With the permission of the head of the agency concerned, the Secretary may use the facilities and services of Federal, State, and local law enforcement agencies when it is economical and in the public interest to do so.

(Added Pub. L. 102-83, §2(a), Aug. 6, 1991, 105 Stat. 399.)

PRIOR PROVISIONS

Prior section 905 was renumbered section 2305 of this title.

Provisions similar to those in this section were contained in section 218(e) of this title prior to repeal by Pub. L. 102-83, §2(a).

Prior sections 906 to 908 and 1000 to 1010 were renumbered sections 2306 to 2308 and 2400 to 2410 of this title, respectively.

PART II—GENERAL BENEFITS

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21.	Specially Adapted Housing for Disabled Veterans	2101
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AMENDMENTS

1996—Pub. L. 104-204, title IV, §421(b)(2), Sept. 26, 1996, 110 Stat. 2926, added item for chapter 18.

1991—Pub. L. 102-83, §5(b)(2), Aug. 6, 1991, 105 Stat. 406, renumbered references to section numbers by substituting “1101” for “301” in item for chapter 11, “1301” for “401” in item for chapter 13, “1501” for “501” in item for chapter 15, “1701” for “601” in item for chapter 17, “1901” for “701” in item for chapter 19, “2101” for “801” in item for chapter 21, “2301” for “901” in item for chapter 23, and “2400” for “1000” in item for chapter 24.

1976—Pub. L. 94-581, title II, §203(a), Oct. 21, 1976, 90 Stat. 2856, inserted “Nursing Home,” in item for chapter 17.

1973—Pub. L. 93-43, §2(b), June 18, 1973, 87 Stat. 78, added item for chapter 24.

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in title 42 section 3013.

CHAPTER 11—COMPENSATION FOR SERVICE-CONNECTED DISABILITY OR DEATH

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AMENDMENTS

1994—Pub. L. 103-446, title I, §106(a)(2), Nov. 2, 1994, 108 Stat. 4651, added item 1117.

1992—Pub. L. 102-568, title IV, §401(d)(2), Oct. 29, 1992, 106 Stat. 4336, substituted “Trial work periods and vocational rehabilitation for certain veterans with total disability ratings” for “Temporary program for trial work periods and vocational rehabilitation for certain veterans with total disability ratings” in item 1163.

1991—Pub. L. 102-83, §5(b)(1), Aug. 6, 1991, 105 Stat. 406, renumbered items 301 to 363 as 1101 to 1163, respectively.

Pub. L. 102-4, §2(a)(2), Feb. 6, 1991, 105 Stat. 13, added item 316.

1986—Pub. L. 99-576, title I, §109(a)(2), Oct. 28, 1986, 100 Stat. 3253, amended item 360 generally, substituting “loss of paired organs or extremities” for “blindness or bilateral kidney involvement or bilateral deafness”.

1984—Pub. L. 98-543, title I, §111(a)(2), Oct. 24, 1984, 98 Stat. 2739, added item 363.

1982—Pub. L. 97-295, §4(9), Oct. 12, 1982, 96 Stat. 1305, added item 361.

1976—Pub. L. 94-433, title IV, §§401(1), 404(5), Sept. 30, 1976, 90 Stat. 1377, 1378, substituted “surviving spouses” for “widows” in item 302 and struck out item 356 “Minimum rating for arrested tuberculosis”.

1974—Pub. L. 93-295, title II, §206(c), May 31, 1974, 88 Stat. 183, struck out item 343 “Conditions under which wartime rates payable”.

1972—Pub. L. 92-328, title I, §§103(b), 108(d), June 30, 1972, 86 Stat. 394, 396, struck out item 336 “Conditions under which wartime rates payable” and added item 362.

1970—Pub. L. 91-376, §3(c), Aug. 12, 1970, 84 Stat. 789, inserted reference to disabilities in item 312.

1966—Pub. L. 89-358, §7(b), Mar. 3, 1966, 80 Stat. 27, added item 337.

1965—Pub. L. 89-311, §3(c), Oct. 31, 1965, 79 Stat. 1155, inserted reference to bilateral deafness in item 360.

1962—Pub. L. 87-610, §2, Aug. 28, 1962, 76 Stat. 406, added item 360.

1960—Pub. L. 86-501, §2, June 10, 1960, 74 Stat. 195, added item 359.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 106, 107, 1310, 1315, 1712, 2101, 3102, 3485, 3501, 3901, 4213, 5125, 5303A, 5310, 5317 of this title; title 10 sections 1086, 1437, 1446, 1450; title 26 section 6103; title 31 section 3803; title 42 section 6862.

SUBCHAPTER I—GENERAL

§ 1101. Definitions

For the purposes of this chapter—

- (1) The term “veteran” includes a person who died in the active military, naval, or air service.
 (2) The term “period of war” includes, in the case of any veteran—

(A) any period of service performed by such veteran after November 11, 1918, and before July 2, 1921, if such veteran served in the active military, naval, or air service after April 5, 1917, and before November 12, 1918; and

(B) any period of continuous service performed by such veteran after December 31, 1946, and before July 26, 1947, if such period began before January 1, 1947.

- (3) The term “chronic disease” includes—

Anemia, primary
 Arteriosclerosis
 Arthritis
 Atrophy, progressive muscular
 Brain hemorrhage
 Brain thrombosis
 Bronchiectasis
 Calculi of the kidney, bladder, or gallbladder
 Cardiovascular-renal disease, including hypertension
 Cirrhosis of the liver
 Coccidioidomycosis
 Diabetes mellitus
 Encephalitis lethargica residuals
 Endocarditis
 Endocrinopathies
 Epilepsies
 Hansen's disease
 Hodgkin's disease
 Leukemia
 Lupus erythematosus, systemic
 Myasthenia gravis
 Myelitis
 Myocarditis
 Nephritis
 Organic diseases of the nervous system
 Osteitis deformans (Paget's disease)
 Osteomalacia
 Palsy, bulbar
 Paralysis agitans
 Psychoses
 Purpura idiopathic, hemorrhagic
 Raynaud's disease

Sarcoidosis
 Scleroderma
 Sclerosis, amyotrophic lateral
 Sclerosis, multiple
 Syringomyelia
 Thromboangiitis obliterans (Buerger's disease)
 Tuberculosis, active
 Tumors, malignant, or of the brain or spinal cord or peripheral nerves
 Ulcers, peptic (gastric or duodenal)

and such other chronic diseases as the Secretary may add to this list.

(4) The term "tropical disease" includes—

Amebiasis
 Blackwater fever
 Cholera
 Dracontiasis
 Dysentery
 Filiariasis
 Hansen's disease
 Leishmaniasis, including kala-azar
 Loiasis
 Malaria
 Onchocerciasis
 Oroya fever
 Pinta
 Plague
 Schistosomiasis
 Yaws
 Yellow fever

and such other tropical diseases as the Secretary may add to this list.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1118, §301; Pub. L. 94-433, title IV, §§401(2), (3), 404(1), Sept. 30, 1976, 90 Stat. 1377, 1378; Pub. L. 98-160, title VII, §702(2), Nov. 21, 1983, 97 Stat. 1009; Pub. L. 100-322, title III, §313, May 20, 1988, 102 Stat. 535; renumbered §1101 and amended Pub. L. 102-83, §§4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404-406.)

AMENDMENTS

1991—Pub. L. 102-83, §5(a), renumbered section 301 of this title as this section.

Pars. (3), (4). Pub. L. 102-83, §4(b)(1), (2)(E), substituted "Secretary" for "Administrator".

1988—Par. (3). Pub. L. 100-322 inserted "Lupus erythematosus, systemic" after "Leukemia".

1983—Par. (3). Pub. L. 98-160 substituted a period for the semicolon at end of paragraph following "may add to this list".

1976—Par. (2)(A), (B). Pub. L. 94-433, §404(1), substituted "such veteran" for "him" in subpars. (A) and (B).

Par. (3). Pub. L. 94-433, §401(2), substituted "Hansen's disease" for "Leprosy".

Par. (4). Pub. L. 94-433, §401(3), inserted "Hansen's disease" after "Filiariasis" and struck out "Leprosy" before "Loiasis".

EFFECTIVE DATE OF 1976 AMENDMENT

Section 406 of Pub. L. 94-433 provided that: "The provisions of this Act [see Tables for classification] shall become effective on October 1, 1976."

EFFECTIVE DATE OF FUTURE INCREASES

Pub. L. 98-223, title I, §108, Mar. 2, 1984, 98 Stat. 40, provided that: "It is the sense of the Congress that any increase provided by law to take effect after fiscal year 1984 in the rates of disability compensation and dependency and indemnity compensation payable under chap-

ters 11 and 13, respectively, of title 38, United States Code, shall take effect on December 1 of the fiscal year involved and that the budgets for any such fiscal year include amounts to achieve such purpose."

[Section 108 of Pub. L. 98-223 effective Apr. 1, 1984, see section 107 of Pub. L. 98-223, set out as a note under section 1114 of this title.]

TREATMENT OF CERTAIN INCOME OF ALASKA NATIVES FOR PURPOSES OF NEED-BASED BENEFITS

Pub. L. 103-446, title V, §506, Nov. 2, 1994, 108 Stat. 4664, provided that: "Any receipt by an individual from a Native Corporation under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) of cash, stock, land, or other interests referred to in subparagraphs (A) through (E) of section 29(c) of that Act (43 U.S.C. 1626(c)) (whether such receipt is attributable to the disposition of real property, profits from the operation of real property, or otherwise) shall not be countable as income for purposes of any law administered by the Secretary of Veterans Affairs."

COST-OF-LIVING INCREASES IN COMPENSATION RATES

Pub. L. 103-446, title I, §111(b), Nov. 2, 1994, 108 Stat. 4654, provided that: "The fiscal year 1995 cost-of-living adjustments in the rates of and limitations for compensation payable under chapter 11 of title 38, United States Code, and of dependency and indemnity compensation payable under chapter 13 of such title will be no more than a percentage equal to the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 1994, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)), with all increased monthly rates and limitations (other than increased rates or limitations equal to a whole dollar amount) rounded down to the next lower dollar."

Pub. L. 103-66, title XII, §12008, Aug. 10, 1993, 107 Stat. 415, provided that:

"(a) POLICY.—The fiscal year 1994 cost-of-living adjustments in the rates of and limitations for compensation payable under chapter 11 of title 38, United States Code, and of dependency and indemnity compensation payable under chapter 13 of such title, except as provided in subsection (b) of this section, will be no more than a percentage equal to the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 1993, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)), with all increased monthly rates and limitations (other than increased rates or limitations equal to a whole dollar amount) rounded down to the next lower dollar.

"(b) LIMITATION ON FISCAL YEAR 1994 COST-OF-LIVING ADJUSTMENT FOR CERTAIN DIC RECIPIENTS.—(1) During fiscal year 1994, the amount of any increase in any of the rates of dependency and indemnity compensation in effect under section 1311(a)(3) of title 38, United States Code, will not exceed 50 percent of the new law increase, rounded down (if not an even dollar amount) to the next lower dollar.

"(2) For purposes of paragraph (1), the new law increase is the amount by which the rate of dependency and indemnity compensation provided for recipients under section 1311(a)(1) of such title is increased for fiscal year 1994."

Pub. L. 101-508, title VIII, §8005, Nov. 5, 1990, 104 Stat. 1388-343, provided that:

"(a) POLICY REGARDING FISCAL YEAR 1991.—The fiscal year 1991 cost-of-living adjustments in the rates of compensation payable under chapter 11 of title 38, United States Code, and of the dependency and indemnity compensation payable under chapter 13 of such title will be no more than a 5.4 percent increase, with all increased monthly rates rounded down to the next lower dollar. The effective date for such adjustments will not be earlier than January 1, 1991.

"(b) INCREASE PAYABLE AS OF JANUARY 1992.—The amount of compensation or dependency and indemnity

compensation payable to any individual for the month of January 1992 who is entitled to such benefits as of January 1, 1992, shall be increased for such month by the amount equal to the amount of the monthly increase provided for that individual's benefit level as of January 1, 1991, pursuant to the adjustments described in subsection (a)."

BENEFITS AND SERVICES FOR FORMER PRISONERS OF WAR; IMPLEMENTATION OF PROGRAMS; RECORDS FOR DISPOSITION OF CLAIMS; DEFINITION

Pub. L. 97-37, §6, Aug. 14, 1981, 95 Stat. 937, provided that:

"(a) Not later than ninety days after the date of the enactment of this Act [Aug. 14, 1981] and at appropriate times thereafter, the Administrator shall, to the maximum extent feasible and in order to carry out the requirements of the veterans outreach services program under subchapter IV of chapter 3 [see subchapter II of chapter 77] of title 38, United States Code, seek out former prisoners of war and provide them with information regarding applicable changes in law, regulations, policies, guidelines, or other directives affecting the benefits and services to which former prisoners of war are entitled under such title by virtue of the amendments made by this Act [see Tables for classification].

"(b)(1) The Administrator shall, for not less than the three-year period beginning ninety days after the date of the enactment of this Act [Aug. 14, 1981], maintain a centralized record showing all claims for benefits under chapter 11 of such title that are submitted by former prisoners of war and the disposition of such claims.

"(2) Not later than ninety days after the end of the three-year period described in paragraph (1), the Administrator shall, after consulting with and receiving the views of the Advisory Committee on Former Prisoners of War required to be established pursuant to section 221 [see 541] of such title, submit a report on the results of the disposition of claims described in such paragraph, together with any comments or recommendations that the Administrator may have, to the appropriate committees of Congress. The Administrator may also submit to such committees interim reports on such results.

"(c) For the purposes of this section, the term "former prisoner of war" has the meaning given such term in paragraph (32) of section 101 of title 38, United States Code (as added by section 3(a) of this Act)."

STUDY ON DISABILITY COMPENSATION AND HEALTH-CARE NEEDS OF FORMER PRISONERS OF WAR; REPORT TO PRESIDENT AND CONGRESS

Pub. L. 95-479, title III, §305, Oct. 18, 1978, 92 Stat. 1565, directed Administrator of Veterans' Affairs, in consultation with Secretary of Defense, to carry out a comprehensive study of disability compensation awarded to, and health care needs of veterans who are former prisoners of war and to submit a report on results of such study to Congress and President not later than Feb. 1, 1980.

AMPUTEES, CARDIOVASCULAR DISORDERS; STUDY

Section 403 of Pub. L. 94-433 directed Administrator to conduct a scientific study to determine if there is causal relationship between amputation of an extremity and subsequent development of cardiovascular disorders and to report to Speaker and President of Senate not later than June 30, 1977.

STUDY OF CLAIMS FOR DEPENDENCY AND INDEMNITY COMPENSATION

Pub. L. 93-295, title II, §207, May 31, 1974, 88 Stat. 183, directed Administrator of Veterans' Affairs to make a detailed study of claims for dependency and indemnity compensation relating to veterans, as defined in section 101(2) of this title, who at time of death within six months prior to May 31, 1974, were receiving disability compensation from Veterans' Administration based upon a rating total and permanent in nature, and sub-

mit a report together with such comments and recommendations as Administrator deemed appropriate to Speaker of the House and President of the Senate not more than thirty days after Jan. 14, 1975.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 5 sections 3501, 5532, 6303, 8332, 8411; title 50 section 2082.

§ 1102. Special provisions relating to surviving spouses

(a) No compensation shall be paid to the surviving spouse of a veteran under this chapter unless such surviving spouse was married to such veteran—

(1) before the expiration of fifteen years after the termination of the period of service in which the injury or disease causing the death of the veteran was incurred or aggravated; or

(2) for one year or more; or

(3) for any period of time if a child was born of the marriage, or was born to them before the marriage.

(b) Subsection (a) shall not be applicable to any surviving spouse who, with respect to date of marriage, could have qualified as a surviving spouse for death compensation under any law administered by the Secretary in effect on December 31, 1957.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1119, §302; Pub. L. 86-491, June 8, 1960, 74 Stat. 161; Pub. L. 90-77, title I, §101(a), Aug. 31, 1967, 81 Stat. 178; Pub. L. 94-433, title IV, §404(2)-(4), Sept. 30, 1976, 90 Stat. 1378; renumbered §1102 and amended Pub. L. 102-83, §§4(a)(1), 5(a), Aug. 6, 1991, 105 Stat. 403, 406.)

AMENDMENTS

1991—Pub. L. 102-83, §5(a), renumbered section 302 of this title as this section.

Subsec. (b). Pub. L. 102-83, §4(a)(1), substituted "administered by the Secretary" for "administered by the Veterans' Administration".

1976—Pub. L. 94-433, §404(4), substituted "surviving spouses" for "widows" in section catchline.

Subsec. (a). Pub. L. 94-433, §404(2), substituted "surviving spouse of a veteran under this chapter unless such surviving spouse was married to such veteran" for "widow of a veteran under this chapter unless she was married to him".

Subsec. (b). Pub. L. 94-433, §404(3), substituted "surviving spouse" for "widow" in two places.

1967—Subsec. (a)(2), (3). Pub. L. 90-77 qualified widow of a veteran for receipt of compensation by reducing in par. (2) the requisite marriage period from five years to one year and by making her eligible for benefits in par. (3) in event of antenuptial birth.

1960—Subsec. (a)(1). Pub. L. 86-491 substituted "fifteen years" for "ten years".

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-433 effective Oct. 1, 1976, see section 406 of Pub. L. 94-433, set out as a note under section 1101 of this title.

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90-77 effective first day of first calendar month which begins more than ten days after Aug. 31, 1967, see section 405 of Pub. L. 90-77, set out as a note under section 101 of this title.

SUBCHAPTER II—WARTIME DISABILITY COMPENSATION

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 1157 of this title; title 26 section 6334.

§ 1110. Basic entitlement

For disability resulting from personal injury suffered or disease contracted in line of duty, or for aggravation of a preexisting injury suffered or disease contracted in line of duty, in the active military, naval, or air service, during a period of war, the United States will pay to any veteran thus disabled and who was discharged or released under conditions other than dishonorable from the period of service in which said injury or disease was incurred, or preexisting injury or disease was aggravated, compensation as provided in this subchapter, but no compensation shall be paid if the disability is a result of the veteran's own willful misconduct or abuse of alcohol or drugs.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1119, §310; Pub. L. 101-508, title VIII, §8052(a)(2), Nov. 5, 1990, 104 Stat. 1388-351; renumbered §1110, Pub. L. 102-83, §5(a), Aug. 6, 1991, 105 Stat. 406.)

AMENDMENTS

1991—Pub. L. 102-83 renumbered section 310 of this title as this section.

1990—Pub. L. 101-508 substituted “a result of the veteran's own willful misconduct or abuse of alcohol or drugs” for “the result of the veteran's own willful misconduct”.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-508 effective with respect to claims filed after Oct. 31, 1990, see section 8052(b) of Pub. L. 101-508, set out as a note under section 105 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1111, 1112, 1114, 1116 of this title.

§ 1111. Presumption of sound condition

For the purposes of section 1110 of this title, every veteran shall be taken to have been in sound condition when examined, accepted, and enrolled for service, except as to defects, infirmities, or disorders noted at the time of the examination, acceptance, and enrollment, or where clear and unmistakable evidence demonstrates that the injury or disease existed before acceptance and enrollment and was not aggravated by such service.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1119, §311; renumbered §1111 and amended Pub. L. 102-83, §5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406.)

AMENDMENTS

1991—Pub. L. 102-83, §5(a), renumbered section 311 of this title as this section.

Pub. L. 102-83, §5(c)(1), substituted “1110” for “310”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1137 of this title.

§ 1112. Presumptions relating to certain diseases and disabilities

(a) For the purposes of section 1110 of this title, and subject to the provisions of section

1113 of this title, in the case of any veteran who served for ninety days or more during a period of war—

(1) a chronic disease becoming manifest to a degree of 10 percent or more within one year from the date of separation from such service;

(2) a tropical disease, and the resultant disorders or disease originating because of therapy, administered in connection with such diseases, or as a preventative thereof, becoming manifest to a degree of 10 percent or more within one year from the date of separation from such service, or at a time when standard or accepted treatises indicate that the incubation period thereof commenced during such service;

(3) active tuberculous disease developing a 10 percent degree of disability or more within three years from the date of separation from such service;

(4) multiple sclerosis developing a 10 percent degree of disability or more within seven years from the date of separation from such service;

(5) Hansen's disease developing a 10 percent degree of disability or more within three years from the date of separation from such service;

shall be considered to have been incurred in or aggravated by such service, notwithstanding there is no record of evidence of such disease during the period of service.

(b) For the purposes of section 1110 of this title and subject to the provisions of section 1113 of this title, in the case of a veteran who is a former prisoner of war and who was detained or interned for not less than thirty days, the disease of—

(1) avitaminosis,

(2) beriberi (including beriberi heart disease),

(3) chronic dysentery,

(4) helminthiasis,

(5) malnutrition (including optic atrophy associated with malnutrition),

(6) pellagra,

(7) any other nutritional deficiency,

(8) psychosis,

(9) any of the anxiety states,

(10) dysthymic disorder (or depressive neurosis),

(11) organic residuals of frostbite, if the Secretary determines that the veteran was interned in climatic conditions consistent with the occurrence of frostbite,

(12) post-traumatic osteoarthritis,

(13) peripheral neuropathy except where directly related to infectious causes,

(14) irritable bowel syndrome, or

(15) peptic ulcer disease,

which became manifest to a degree of 10 percent or more after active military, naval, or air service shall be considered to have been incurred in or aggravated by such service, notwithstanding that there is no record of such disease during the period of service.

(c)(1) For the purposes of section 1110 of this title, and subject to the provisions of section 1113 of this title, a disease specified in paragraph

(2) of this subsection becoming manifest in a radiation-exposed veteran shall be considered to have been incurred in or aggravated during ac-

tive military, naval, or air service, notwithstanding that there is no record of evidence of such disease during a period of such service.

(2) The diseases referred to in paragraph (1) of this subsection are the following:

- (A) Leukemia (other than chronic lymphocytic leukemia).
- (B) Cancer of the thyroid.
- (C) Cancer of the breast.
- (D) Cancer of the pharynx.
- (E) Cancer of the esophagus.
- (F) Cancer of the stomach.
- (G) Cancer of the small intestine.
- (H) Cancer of the pancreas.
- (I) Multiple myeloma.
- (J) Lymphomas (except Hodgkin's disease).
- (K) Cancer of the bile ducts.
- (L) Cancer of the gall bladder.
- (M) Primary liver cancer (except if cirrhosis or hepatitis B is indicated).
- (N) Cancer of the salivary gland.
- (O) Cancer of the urinary tract.

(3) For the purposes of this subsection:

(A) The term "radiation-exposed veteran" means (i) a veteran who, while serving on active duty, participated in a radiation-risk activity, or (ii) an individual who, while a member of a reserve component of the Armed Forces, participated in a radiation-risk activity during a period of active duty for training or inactive duty training.

(B) The term "radiation-risk activity" means any of the following:

- (i) Onsite participation in a test involving the atmospheric detonation of a nuclear device (without regard to whether the nation conducting the test was the United States or another nation).
- (ii) The occupation of Hiroshima or Nagasaki, Japan, by United States forces during the period beginning on August 6, 1945, and ending on July 1, 1946.
- (iii) Internment as prisoner of war in Japan (or service on active duty in Japan immediately following such internment) during World War II which (as determined by the Secretary) resulted in an opportunity for exposure to ionizing radiation comparable to that of veterans described in clause (ii) of this subparagraph.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1120, §312; Pub. L. 86-187, Aug. 25, 1959, 73 Stat. 418; Pub. L. 86-188, Aug. 25, 1959, 73 Stat. 418; Pub. L. 87-645, §3, Sept. 7, 1962, 76 Stat. 442; Pub. L. 91-376, §3(a), (b), Aug. 12, 1970, 84 Stat. 788, 789; Pub. L. 97-37, §4(a), Aug. 14, 1981, 95 Stat. 936; Pub. L. 98-223, title I, §§101(c), 111, Mar. 2, 1984, 98 Stat. 38, 40; Pub. L. 99-576, title I, §108(a), Oct. 28, 1986, 100 Stat. 3252; Pub. L. 100-321, §2(a), May 20, 1988, 102 Stat. 485; Pub. L. 100-322, title III, §312, May 20, 1988, 102 Stat. 534; renumbered §1112 and amended Pub. L. 102-83, §§4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404-406; Pub. L. 102-86, title I, §§104(a), 105, Aug. 14, 1991, 105 Stat. 415; Pub. L. 102-578, §2(a), Oct. 30, 1992, 106 Stat. 4774; Pub. L. 103-446, title V, §501(a), Nov. 2, 1994, 108 Stat. 4663.)

AMENDMENTS

1994—Subsec. (c)(3)(B)(i). Pub. L. 103-446 inserted before period at end "(without regard to whether the na-

tion conducting the test was the United States or another nation)".

1992—Subsec. (c)(1). Pub. L. 102-578, §2(a)(1), struck out "to a degree of 10 percent or more within the presumption period (as specified in paragraph (3) of this subsection)" after "radiation-exposed veteran".

Subsec. (c)(2)(N), (O). Pub. L. 102-578, §2(a)(2), added subpars. (N) and (O).

Subsec. (c)(3), (4). Pub. L. 102-578, §2(a)(3), (4), redesignated par. (4) as (3) and struck out former par. (3) which read as follows: "The presumption period for purposes of paragraph (1) of this subsection is the 40-year period beginning on the last date on which the veteran participated in a radiation-risk activity."

1991—Pub. L. 102-83, §5(a), renumbered section 312 of this title as this section.

Subsec. (a). Pub. L. 102-83, §5(c)(1), substituted "1110" for "310" and "1113" for "313" in introductory provisions.

Subsec. (b). Pub. L. 102-83, §5(c)(1), substituted "1110" for "310" and "1113" for "313" in introductory provisions.

Subsec. (b)(11). Pub. L. 102-83, §4(b)(1), (2)(E), substituted "Secretary" for "Administrator".

Subsec. (c)(1). Pub. L. 102-86, §105(1), amended subsec. (c)(1) of this section as in effect before the redesignations made by Pub. L. 102-83, §5, by substituting "during active military, naval, or air service" for "during the veteran's service on active duty" and "during a period" for "during the period".

Pub. L. 102-83, §5(c)(1), substituted "1110" for "310" and "1113" for "313".

Subsec. (c)(3). Pub. L. 102-86, §104(a), amended subsec. (c)(3) of this section as in effect before the redesignations made by Pub. L. 102-83, §5, by striking out before period at end ", except that such period shall be the 30-year period beginning on that date in the case of leukemia (other than chronic lymphocytic leukemia)".

Subsec. (c)(4)(A). Pub. L. 102-86, §105(2), amended subsec. (c)(4)(A) of this section as in effect before the redesignations made by Pub. L. 102-83, §5, by inserting "(i)" after "means" and adding cl. (ii).

Subsec. (c)(4)(B)(iii). Pub. L. 102-83, §4(b)(1), (2)(E), substituted "Secretary" for "Administrator".

1988—Subsec. (b)(13) to (15). Pub. L. 100-322 added pars. (13) to (15).

Subsec. (c). Pub. L. 100-321 added subsec. (c).

1986—Subsec. (b)(11), (12). Pub. L. 99-576 added pars. (11) and (12).

1984—Subsec. (a)(1) to (5). Pub. L. 98-223, §101(c), substituted "percent" for "per centum".

Subsec. (b). Pub. L. 98-223, §111, added par. (10).

Pub. L. 98-223, §101(c), substituted "percent" for "per centum" in provision following par. (10).

1981—Subsecs. (b), (c). Pub. L. 97-37, §4(a)(1), (2), redesignated subsec. (c) as (b) and generally revised structure so as to include anxiety states as a listed disease, and exclude the enumerated armed conflicts and resulting treatment incurred. Former subsec. (b), relating to treatment as a prisoner of war as deemed in violation of the Geneva Conventions of 1929 and 1949, was struck out.

1970—Pub. L. 91-376 inserted reference to disabilities in section catchline, designated existing provisions as subsec. (a), and added subsecs. (b) and (c).

1962—Pub. L. 87-645 substituted "seven years" for "three years" in par. (4).

1959—Pub. L. 86-188 inserted par. (5).

Pub. L. 86-187 substituted "three years" for "two years" in par. (4).

EFFECTIVE DATE OF 1992 AMENDMENT

Section 2(b) of Pub. L. 102-578 provided that: "The amendments made by subsection (a) [amending this section] shall take effect on October 1, 1992."

EFFECTIVE DATE OF 1991 AMENDMENT

Section 104(b) of Pub. L. 102-86 provided that: "No benefit may be paid by reason of the amendment made

by subsection (a) [amending this section] for any period before the date of the enactment of this Act [Aug. 14, 1991]."

EFFECTIVE DATE OF 1988 AMENDMENT

Section 2(b) of Pub. L. 100-321 provided that: "Subsection (c) of section 312 [now 1112] of title 38, United States Code, as added by subsection (a), shall take effect on May 1, 1988."

EFFECTIVE DATE OF 1986 AMENDMENT

Section 108(b) of Pub. L. 99-576 provided that: "The amendments made by subsection (a) [amending this section] shall take effect as of October 1, 1986."

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by section 101(c) of Pub. L. 98-223 effective Apr. 1, 1984, see section 107 of Pub. L. 98-223, set out as a note under section 1114 of this title.

Section 114 of Pub. L. 98-223 provided that: "The amendments made by this part [part B (§§111-114) of title I of Pub. L. 98-223, amending this section and sections 314 and 3011 [now 1114 and 5111] of this title] shall take effect as of October 1, 1983."

EFFECTIVE DATE OF 1981 AMENDMENT

Section 4(b) of Pub. L. 97-37 provided that: "The amendments made by subsection (a) [amending this section] shall take effect on October 1, 1981."

EFFECTIVE DATE OF 1962 AMENDMENT

Section 4 of Pub. L. 87-645 provided that: "This Act [amending this section and sections 314 and 3203 [now 1114 and 5503] of this title and enacting provisions set out as a note under section 1114 of this title] shall take effect on the first day of the first calendar month which begins after the date of enactment of this Act [Sept. 7, 1962] but no payments shall be made by reason of this Act for any period before such effective date. The increased rate of compensation payable to any veteran entitled thereto on such first day shall be further increased, for such month only, in an amount equal to three times the monthly increase provided for such veteran by the amendments made by this Act."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1113, 1137, 1710 of this title.

§ 1113. Presumptions rebuttable

(a) Where there is affirmative evidence to the contrary, or evidence to establish that an intercurrent injury or disease which is a recognized cause of any of the diseases or disabilities within the purview of section 1112, 1116, or 1117 of this title, has been suffered between the date of separation from service and the onset of any such diseases or disabilities, or the disability is due to the veteran's own willful misconduct, service-connection pursuant to section 1112 or 1116 of this title, or payments of compensation pursuant to section 1117 of this title, will not be in order.

(b) Nothing in section 1112, 1116, or 1117 of this title, subsection (a) of this section, or section 5 of Public Law 98-542 (38 U.S.C. 1154 note) shall be construed to prevent the granting of service-connection for any disease or disorder otherwise shown by sound judgment to have been incurred in or aggravated by active military, naval, or air service.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1120, §313; Pub. L. 102-4, §2(b), Feb. 6, 1991, 105 Stat. 13; renumbered §1113 and amended Pub. L. 102-83,

§5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 103-446, title I, §106(b), title V, §501(b)(1), Nov. 2, 1994, 108 Stat. 4651, 4663.)

AMENDMENTS

1994—Subsec. (a). Pub. L. 103-446, §106(b), inserted "or disabilities" after "diseases" in two places, substituted "purview of section 1112, 1116, or 1117" for "purview of section 1112 or 1116", and inserted ", or payments of compensation pursuant to section 1117 of this title," before "will not".

Subsec. (b). Pub. L. 103-446, §501(b)(1), substituted "title," for "title or" and inserted ", or section 5 of Public Law 98-542 (38 U.S.C. 1154 note)" after "of this section".

Pub. L. 103-446, §106(b)(1), substituted "section 1112, 1116, or 1117" for "section 1112 or 1116".

1991—Pub. L. 102-83, §5(a), renumbered section 313 of this title as this section.

Pub. L. 102-83, §5(c)(1), substituted "1112 or 1116" for "312 or 316" wherever appearing.

Pub. L. 102-4 inserted "or 316" after "section 312" wherever appearing.

EFFECTIVE DATE OF 1994 AMENDMENT

Section 501(b)(2) of Pub. L. 103-446 provided that: "The amendments made by paragraph (1) [amending this section] shall apply with respect to applications for veterans benefits that are submitted to the Secretary of Veterans Affairs after the date of the enactment of this Act [Nov. 2, 1994]."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1112, 1116, 1137 of this title.

§ 1114. Rates of wartime disability compensation

For the purposes of section 1110 of this title—

(a) if and while the disability is rated 10 percent the monthly compensation shall be \$87;

(b) if and while the disability is rated 20 percent the monthly compensation shall be \$166;

(c) if and while the disability is rated 30 percent the monthly compensation shall be \$253;

(d) if and while the disability is rated 40 percent the monthly compensation shall be \$361;

(e) if and while the disability is rated 50 percent the monthly compensation shall be \$515;

(f) if and while the disability is rated 60 percent the monthly compensation shall be \$648;

(g) if and while the disability is rated 70 percent the monthly compensation shall be \$819;

(h) if and while the disability is rated 80 percent the monthly compensation shall be \$948;

(i) if and while the disability is rated 90 percent the monthly compensation shall be \$1,067;

(j) if and while the disability is rated as total the monthly compensation shall be \$1,774;

(k) if the veteran, as the result of service-connected disability, has suffered the anatomical loss or loss of use of one or more creative organs, or one foot, or one hand, or both buttocks, or blindness of one eye, having only light perception, or has suffered complete organic aphonia with constant inability to communicate by speech, or deafness of both ears, having absence of air and bone conduction, the rate of compensation therefor shall be \$70 per month for each such loss or loss of use independent of any other compensation provided in subsections (a) through (j) or subsection (s) of this section but in no event to exceed \$2,207 per month; and in the event the veteran has

suffered one or more of the disabilities heretofore specified in this subsection, in addition to the requirement for any of the rates specified in subsections (l) through (n) of this section, the rate of compensation shall be increased by \$70 per month for each such loss or loss of use, but in no event to exceed \$3,093 per month;

(l) if the veteran, as the result of service-connected disability, has suffered the anatomical loss or loss of use of both feet, or of one hand and one foot, or is blind in both eyes, with 5/200 visual acuity or less, or is permanently bedridden or so helpless as to be in need of regular aid and attendance, the monthly compensation shall be \$2,207;

(m) if the veteran, as the result of service-connected disability, has suffered the anatomical loss or loss of use of both hands, or of both legs at a level, or with complications, preventing natural knee action with prostheses in place, or of one arm and one leg at levels, or with complications, preventing natural elbow and knee action with prostheses in place, or has suffered blindness in both eyes having only light perception, or has suffered blindness in both eyes, rendering such veteran so helpless as to be in need of regular aid and attendance, the monthly compensation shall be \$2,432;

(n) if the veteran, as the result of service-connected disability, has suffered the anatomical loss or loss of use of both arms at levels, or with complications, preventing natural elbow action with prostheses in place, has suffered the anatomical loss of both legs so near the hip as to prevent the use of prosthetic appliances, or has suffered the anatomical loss of one arm and one leg so near the shoulder and hip as to prevent the use of prosthetic appliances, or has suffered the anatomical loss of both eyes, or has suffered blindness without light perception in both eyes, the monthly compensation shall be \$2,768;

(o) if the veteran, as the result of service-connected disability, has suffered disability under conditions which would entitle such veteran to two or more of the rates provided in one or more subsections (l) through (n) of this section, no condition being considered twice in the determination, or if the veteran has suffered bilateral deafness (and the hearing impairment in either one or both ears is service connected) rated at 60 percent or more disabling and the veteran has also suffered service-connected total blindness with 5/200 visual acuity or less, or if the veteran has suffered service-connected total deafness in one ear or bilateral deafness (and the hearing impairment in either one or both ears is service connected) rated at 40 percent or more disabling and the veteran has also suffered service-connected blindness having only light perception or less, or if the veteran has suffered the anatomical loss of both arms so near the shoulder as to prevent the use of prosthetic appliances, the monthly compensation shall be \$3,093;

(p) in the event the veteran's service-connected disabilities exceed the requirements for any of the rates prescribed in this section, the Secretary may allow the next higher rate or

an intermediate rate, but in no event in excess of \$3,093. In the event the veteran has suffered service-connected blindness with 5/200 visual acuity or less and (1) has also suffered bilateral deafness (and the hearing impairment in either one or both ears is service connected) rated at no less than 30 percent disabling, the Secretary shall allow the next higher rate, or (2) has also suffered service-connected total deafness in one ear or service-connected anatomical loss or loss of use of one hand or one foot, the Secretary shall allow the next intermediate rate, but in no event in excess of \$3,093. In the event the veteran has suffered service-connected blindness, having only light perception or less, and has also suffered bilateral deafness (and the hearing impairment in either one or both ears is service connected) rated at 10 or 20 percent disabling, the Secretary shall allow the next intermediate rate, but in no event in excess of \$3,093. In the event the veteran has suffered the anatomical loss or loss of use, or a combination of anatomical loss and loss of use, of three extremities, the Secretary shall allow the next higher rate or intermediate rate, but in no event in excess of \$3,093. Any intermediate rate under this subsection shall be established at the arithmetic mean, rounded down to the nearest dollar, between the two rates concerned;

[(q) Repealed. Pub. L. 90-493, §4(a), Aug. 19, 1968, 82 Stat. 809.]

(r) Subject to section 5503(e) of this title, if any veteran, otherwise entitled to compensation authorized under subsection (o) of this section, at the maximum rate authorized under subsection (p) of this section, or at the intermediate rate authorized between the rates authorized under subsections (n) and (o) of this section and at the rate authorized under subsection (k) of this section, is in need of regular aid and attendance, then, in addition to such compensation—

(1) the veteran shall be paid a monthly aid and attendance allowance at the rate of \$1,328; or

(2) if the veteran, in addition to such need for regular aid and attendance, is in need of a higher level of care, such veteran shall be paid a monthly aid and attendance allowance at the rate of \$1,978, in lieu of the allowance authorized in clause (1) of this subsection, if the Secretary finds that the veteran, in the absence of the provision of such care, would require hospitalization, nursing home care, or other residential institutional care.

For the purposes of clause (2) of this subsection, need for a higher level of care shall be considered to be need for personal health-care services provided on a daily basis in the veteran's home by a person who is licensed to provide such services or who provides such services under the regular supervision of a licensed health-care professional. The existence of the need for such care shall be determined by a physician employed by the Department or, in areas where no such physician is available, by a physician carrying out such function under contract or fee arrangement based on an examination by such physician. For the purposes

of section 1134 of this title, such allowance shall be considered as additional compensation payable for disability.

(s) If the veteran has a service-connected disability rated as total, and (1) has additional service-connected disability or disabilities independently ratable at 60 percent or more, or, (2) by reason of such veteran's service-connected disability or disabilities, is permanently housebound, then the monthly compensation shall be \$1,985. For the purpose of this subsection, the requirement of "permanently housebound" will be considered to have been met when the veteran is substantially confined to such veteran's house (ward or clinical areas, if institutionalized) or immediate premises due to a service-connected disability or disabilities which it is reasonably certain will remain throughout such veteran's lifetime.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1120, § 314; Pub. L. 85-782, § 2, Aug. 27, 1958, 72 Stat. 936; Pub. L. 86-663, § 1, July 14, 1960, 74 Stat. 528; Pub. L. 87-645, §§ 1(a), 2(a), Sept. 7, 1962, 76 Stat. 441; Pub. L. 88-20, § 1, May 15, 1963, 77 Stat. 17; Pub. L. 88-22, § 1, May 15, 1963, 77 Stat. 18; Pub. L. 89-311, §§ 1(a), 3(d), (e), Oct. 31, 1965, 79 Stat. 1154, 1155; Pub. L. 90-77, title IV, § 401, Aug. 31, 1967, 81 Stat. 190; Pub. L. 90-493, §§ 1(a), 4(a), Aug. 19, 1968, 82 Stat. 808, 809; Pub. L. 91-376, § 1(a), Aug. 12, 1970, 84 Stat. 787; Pub. L. 92-328, title I, § 101(a), June 30, 1972, 86 Stat. 393; Pub. L. 93-295, title I, § 101(a), May 31, 1974, 88 Stat. 181; Pub. L. 94-71, title I, § 101(a), Aug. 5, 1975, 89 Stat. 395; Pub. L. 94-433, title I, § 101(a), title IV, §§ 401(4), (5), 404(6)-(8), Sept. 30, 1976, 90 Stat. 1374, 1377, 1378; Pub. L. 95-117, title I, § 101(a), Oct. 3, 1977, 91 Stat. 1063; Pub. L. 95-479, title I, § 101(a)-(d), Oct. 18, 1978, 92 Stat. 1560, 1561; Pub. L. 96-128, title I, §§ 101(a), 104, 105, Nov. 28, 1979, 93 Stat. 982, 984; Pub. L. 96-385, title I, § 101(a), Oct. 7, 1980, 94 Stat. 1528; Pub. L. 97-66, title I, §§ 101(a), 104, Oct. 17, 1981, 95 Stat. 1026, 1027; Pub. L. 97-253, title IV, §§ 404(a), 405(b), Sept. 8, 1982, 96 Stat. 803; Pub. L. 97-306, title I, §§ 101(a), 107, 111(a), (b), Oct. 14, 1982, 96 Stat. 1429, 1431, 1432; Pub. L. 98-223, title I, §§ 101(a), 112, Mar. 2, 1984, 98 Stat. 37, 40; Pub. L. 98-543, title I, § 101(a), Oct. 24, 1984, 98 Stat. 2735; Pub. L. 99-238, title I, § 101(a), Jan. 13, 1986, 99 Stat. 1765; Pub. L. 99-576, title I, §§ 101(a), 109(b), Oct. 28, 1986, 100 Stat. 3250, 3253; Pub. L. 100-227, title I, § 101(a), Dec. 31, 1987, 101 Stat. 1552; Pub. L. 100-687, div. B, title XI, § 1101(a), Nov. 18, 1988, 102 Stat. 4123; Pub. L. 101-237, title I, § 101(a), Dec. 18, 1989, 103 Stat. 2062; Pub. L. 102-3, § 2(a), Feb. 6, 1991, 105 Stat. 7; Pub. L. 102-40, title IV, § 402(d)(1), May 7, 1991, 105 Stat. 239; renumbered § 1114 and amended Pub. L. 102-83, §§ 4(a)(3), (4), (b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404-406; Pub. L. 102-152, § 2(a), Nov. 12, 1991, 105 Stat. 985; Pub. L. 103-78, § 1, Aug. 13, 1993, 107 Stat. 767; Pub. L. 103-140, § 2, Nov. 11, 1993, 107 Stat. 1485.)

AMENDMENTS

1993—Subsec. (a). Pub. L. 103-140, § 2(1), substituted “\$87” for “\$85”.

Pub. L. 103-78, § 1(1), substituted “\$85” for “\$83”.

Subsec. (b). Pub. L. 103-140, § 2(2), substituted “\$166” for “\$162”.

Pub. L. 103-78, § 1(2), substituted “\$162” for “\$157”.

Subsec. (c). Pub. L. 103-140, § 2(3), substituted “\$253” for “\$247”.

Pub. L. 103-78, § 1(3), substituted “\$247” for “\$240”.

Subsec. (d). Pub. L. 103-140, § 2(4), substituted “\$361” for “\$352”.

Pub. L. 103-78, § 1(4), substituted “\$352” for “\$342”.

Subsec. (e). Pub. L. 103-140, § 2(5), substituted “\$515” for “\$502”.

Pub. L. 103-78, § 1(5), substituted “\$502” for “\$487”.

Subsec. (f). Pub. L. 103-140, § 2(6), substituted “\$648” for “\$632”.

Pub. L. 103-78, § 1(6), substituted “\$632” for “\$614”.

Subsec. (g). Pub. L. 103-140, § 2(7), substituted “\$819” for “\$799”.

Pub. L. 103-78, § 1(7), substituted “\$799” for “\$776”.

Subsec. (h). Pub. L. 103-140, § 2(8), substituted “\$948” for “\$924”.

Pub. L. 103-78, § 1(8), substituted “\$924” for “\$897”.

Subsec. (i). Pub. L. 103-140, § 2(9), substituted “\$1,067” for “\$1,040”.

Pub. L. 103-78, § 1(9), substituted “\$1,040” for “\$1,010”.

Subsec. (j). Pub. L. 103-140, § 2(10), substituted “\$1,774” for “\$1,730”.

Pub. L. 103-78, § 1(10), substituted “\$1,730” for “\$1,680”.

Subsec. (k). Pub. L. 103-140, § 2(11), substituted “\$2,207” and “\$3,093” for “\$2,152” and “\$3,015”, respectively.

Pub. L. 103-78, § 1(11), which directed the substitution of “\$70” for “\$68”, was executed by making the substitution in two places to reflect the probable intent of Congress.

Pub. L. 103-78, § 1(11), substituted “\$2,152” and “\$3,015” for “\$2,089” and “\$2,927”, respectively.

Subsec. (l). Pub. L. 103-140, § 2(12), substituted “\$2,207” for “\$2,152”.

Pub. L. 103-78, § 1(12), substituted “\$2,152” for “\$2,089”.

Subsec. (m). Pub. L. 103-140, § 2(13), substituted “\$2,432” for “\$2,371”.

Pub. L. 103-78, § 1(13), substituted “\$2,371” for “\$2,302”.

Subsec. (n). Pub. L. 103-140, § 2(14), substituted “\$2,768” for “\$2,698”.

Pub. L. 103-78, § 1(14), substituted “\$2,698” for “\$2,619”.

Subsec. (o). Pub. L. 103-140, § 2(15), substituted “\$3,093” for “\$3,015”.

Pub. L. 103-78, § 1(15), substituted “\$3,015” for “\$2,927”.

Subsec. (p). Pub. L. 103-140, § 2(15), substituted “\$3,093” for “\$3,015” wherever appearing.

Pub. L. 103-78, § 1(15), substituted “\$3,015” for “\$2,927” wherever appearing.

Subsec. (r). Pub. L. 103-140, § 2(16), substituted “\$1,328” for “\$1,295” in par. (1) and “\$1,978” for “\$1,928” in par. (2).

Pub. L. 103-78, § 1(16), substituted “\$1,295” for “\$1,257” in par. (1) and “\$1,928” for “\$1,872” in par. (2).

Subsec. (s). Pub. L. 103-140, § 2(17), substituted “\$1,985” for “\$1,935”.

Pub. L. 103-78, § 1(17), substituted “\$1,935” for “\$1,879”.

1991—Pub. L. 102-83, § 5(a), renumbered section 314 of this title as this section.

Pub. L. 102-83, § 5(c)(1), substituted “1110” for “310” in introductory provisions.

Subsec. (a). Pub. L. 102-152, § 2(a)(1), substituted “\$83” for “\$80”.

Pub. L. 102-3, § 2(a)(1), substituted “\$80” for “\$76”.

Subsec. (b). Pub. L. 102-152, § 2(a)(2), substituted “\$157” for “\$151”.

Pub. L. 102-3, § 2(a)(2), substituted “\$151” for “\$144”.

Subsec. (c). Pub. L. 102-152, § 2(a)(3), substituted “\$240” for “\$231”.

Pub. L. 102-3, § 2(a)(3), substituted “\$231” for “\$220”.

Subsec. (d). Pub. L. 102-152, § 2(a)(4), substituted “\$342” for “\$330”.

Pub. L. 102-3, § 2(a)(4), substituted “\$330” for “\$314”.

Subsec. (e). Pub. L. 102-152, § 2(a)(5), substituted “\$487” for “\$470”.

Pub. L. 102-3, § 2(a)(5), substituted “\$470” for “\$446”.

Subsec. (f). Pub. L. 102-152, § 2(a)(6), substituted “\$614” for “\$592”.

Pub. L. 102-3, § 2(a)(6), substituted “\$592” for “\$562”.

Subsec. (g). Pub. L. 102-152, § 2(a)(7), substituted “\$776” for “\$748”.

Pub. L. 102-3, §2(a)(7), substituted “\$748” for “\$710”.
 Subsec. (h). Pub. L. 102-152, §2(a)(8), substituted “\$897” for “\$865”.

Pub. L. 102-3, §2(a)(8), substituted “\$865” for “\$821”.
 Subsec. (i). Pub. L. 102-152, §2(a)(9), substituted “\$1,010” for “\$974”.

Pub. L. 102-3, §2(a)(9), substituted “\$974” for “\$925”.
 Subsec. (j). Pub. L. 102-152, §2(a)(10), substituted “\$1,680” for “\$1,620”.

Pub. L. 102-3, §2(a)(10), substituted “\$1,620” for “\$1,537”.

Subsec. (k). Pub. L. 102-152, §2(a)(11), substituted “\$68” for “\$66” in two places and “\$2,089” and “\$2,927” for “\$2,014” and “\$2,823”, respectively.

Pub. L. 102-3, §2(a)(11), substituted “\$2,014” for “\$1,911” and “\$2,823” for “\$2,679”.

Subsec. (l). Pub. L. 102-152, §2(a)(12), substituted “\$2,089” for “\$2,014”.

Pub. L. 102-3, §2(a)(12), substituted “\$2,014” for “\$1,911”.

Subsec. (m). Pub. L. 102-152, §2(a)(13), substituted “\$2,302” for “\$2,220”.

Pub. L. 102-3, §2(a)(13), substituted “\$2,220” for “\$2,107”.

Subsec. (n). Pub. L. 102-152, §2(a)(14), substituted “\$2,619” for “\$2,526”.

Pub. L. 102-3, §2(a)(14), substituted “\$2,526” for “\$2,397”.

Subsec. (o). Pub. L. 102-152, §2(a)(15), substituted “\$2,927” for “\$2,823”.

Pub. L. 102-3, §2(a)(15), substituted “\$2,823” for “\$2,679”.

Subsec. (p). Pub. L. 102-152, §2(a)(15), substituted “\$2,927” for “\$2,823” wherever appearing.

Pub. L. 102-83, §4(b)(1), (2)(E), substituted “Secretary” for “Administrator” wherever appearing.

Pub. L. 102-3, §2(a)(15), substituted “\$2,823” for “\$2,679” wherever appearing.

Subsec. (r). Pub. L. 102-152, §2(a)(16), substituted “\$1,257” for “\$1,212” in par. (1) and “\$1,872” for “\$1,805” in par. (2).

Pub. L. 102-83, §5(c)(1), substituted “1134” for “334” in last sentence.

Pub. L. 102-83, §4(b)(1), (2)(E), substituted “Secretary” for “Administrator” in par. (2).

Pub. L. 102-83, §4(a)(3), (4), substituted “Department” for “Veterans’ Administration” in penultimate sentence.

Pub. L. 102-40 substituted “5503(e)” for “3203(e)” in introductory provisions.

Pub. L. 102-3, §2(a)(16), substituted “\$1,212” for “\$1,150” in par. (1) and “\$1,805” for “\$1,713” in par. (2).

Subsec. (s). Pub. L. 102-152, §2(a)(17), substituted “\$1,879” for “\$1,812”.

Pub. L. 102-3, §2(a)(17), substituted “\$1,812” for “\$1,720”.

1989—Subsec. (a). Pub. L. 101-237, §101(a)(1), substituted “\$76” for “\$73”.

Subsec. (b). Pub. L. 101-237, §101(a)(2), substituted “\$144” for “\$138”.

Subsec. (c). Pub. L. 101-237, §101(a)(3), substituted “\$220” for “\$210”.

Subsec. (d). Pub. L. 101-237, §101(a)(4), substituted “\$314” for “\$300”.

Subsec. (e). Pub. L. 101-237, §101(a)(5), substituted “\$446” for “\$426”.

Subsec. (f). Pub. L. 101-237, §101(a)(6), substituted “\$562” for “\$537”.

Subsec. (g). Pub. L. 101-237, §101(a)(7), substituted “\$710” for “\$678”.

Subsec. (h). Pub. L. 101-237, §101(a)(8), substituted “\$821” for “\$784”.

Subsec. (i). Pub. L. 101-237, §101(a)(9), substituted “\$925” for “\$883”.

Subsec. (j). Pub. L. 101-237, §101(a)(10), substituted “\$1,537” for “\$1,468”.

Subsec. (k). Pub. L. 101-237, §101(a)(11), substituted “\$66” for “\$63” in two places and substituted “\$1,911” and “\$2,679” for “\$1,825” and “\$2,559”, respectively.

Subsec. (l). Pub. L. 101-237, §101(a)(12), substituted “\$1,911” for “\$1,825”.

Subsec. (m). Pub. L. 101-237, §101(a)(13), substituted “\$2,107” for “\$2,012”.

Subsec. (n). Pub. L. 101-237, §101(a)(14), substituted “\$2,397” for “\$2,289”.

Subsecs. (o), (p). Pub. L. 101-237, §101(a)(15), substituted “\$2,679” for “\$2,559” wherever appearing.

Subsec. (r). Pub. L. 101-237, §101(a)(16), substituted “\$1,150” and “\$1,713” for “\$1,098” and “\$1,636”, respectively.

Subsec. (s). Pub. L. 101-237, §101(a)(17), substituted “\$1,720” for “\$1,643”.

1988—Subsec. (a). Pub. L. 100-687, §1101(a)(1), substituted “\$73” for “\$71”.

Subsec. (b). Pub. L. 100-687, §1101(a)(2), substituted “\$138” for “\$133”.

Subsec. (c). Pub. L. 100-687, §1101(a)(3), substituted “\$210” for “\$202”.

Subsec. (d). Pub. L. 100-687, §1101(a)(4), substituted “\$300” for “\$289”.

Subsec. (e). Pub. L. 100-687, §1101(a)(5), substituted “\$426” for “\$410”.

Subsec. (f). Pub. L. 100-687, §1101(a)(6), substituted “\$537” for “\$516”.

Subsec. (g). Pub. L. 100-687, §1101(a)(7), substituted “\$678” for “\$652”.

Subsec. (h). Pub. L. 100-687, §1101(a)(8), substituted “\$784” for “\$754”.

Subsec. (i). Pub. L. 100-687, §1101(a)(9), substituted “\$883” for “\$849”.

Subsec. (j). Pub. L. 100-687, §1101(a)(10), substituted “\$1,468” for “\$1,411”.

Subsec. (k). Pub. L. 100-687, §1101(a)(11), substituted “\$1,825” and “\$2,559” for “\$1,754” and “\$2,459”, respectively.

Subsec. (l). Pub. L. 100-687, §1101(a)(12), substituted “\$1,825” for “\$1,754”.

Subsec. (m). Pub. L. 100-687, §1101(a)(13), substituted “\$2,012” for “\$1,933”.

Subsec. (n). Pub. L. 100-687, §1101(a)(14), substituted “\$2,289” for “\$2,199”.

Subsecs. (o), (p). Pub. L. 100-687, §1101(a)(15), substituted “\$2,559” for “\$2,459” wherever appearing.

Subsec. (r). Pub. L. 100-687, §1101(a)(16), substituted “\$1,098” and “\$1,636” for “\$1,055” and “\$1,572”, respectively.

Subsec. (s). Pub. L. 100-687, §1101(a)(17), substituted “\$1,643” for “\$1,579”.

1987—Subsec. (a). Pub. L. 100-227, §101(a)(1), substituted “\$71” for “\$69”.

Subsec. (b). Pub. L. 100-227, §101(a)(2), substituted “\$133” for “\$128”.

Subsec. (c). Pub. L. 100-227, §101(a)(3), substituted “\$202” for “\$194”.

Subsec. (d). Pub. L. 100-227, §101(a)(4), substituted “\$289” for “\$278”.

Subsec. (e). Pub. L. 100-227, §101(a)(5), substituted “\$410” for “\$394”.

Subsec. (f). Pub. L. 100-227, §101(a)(6), substituted “\$516” for “\$496”.

Subsec. (g). Pub. L. 100-227, §101(a)(7), substituted “\$652” for “\$626”.

Subsec. (h). Pub. L. 100-227, §101(a)(8), substituted “\$754” for “\$724”.

Subsec. (i). Pub. L. 100-227, §101(a)(9), substituted “\$849” for “\$815”.

Subsec. (j). Pub. L. 100-227, §101(a)(10), substituted “\$1,411” for “\$1,355”.

Subsec. (k). Pub. L. 100-227, §101(a)(11), substituted “\$1,754” and “\$2,459” for “\$1,684” and “\$2,360”, respectively.

Subsec. (l). Pub. L. 100-227, §101(a)(12), substituted “\$1,754” for “\$1,684”.

Subsec. (m). Pub. L. 100-227, §101(a)(13), substituted “\$1,933” for “\$1,856”.

Subsec. (n). Pub. L. 100-227, §101(a)(14), substituted “\$2,199” for “\$2,111”.

Subsecs. (o), (p). Pub. L. 100-227, §101(a)(15), substituted “\$2,459” for “\$2,360” wherever appearing.

Subsec. (r). Pub. L. 100-227, §101(a)(16), substituted “\$1,055” and “\$1,572” for “\$1,013” and “\$1,509”, respectively.

Subsec. (s). Pub. L. 100-227, §101(a)(17), substituted "\$1,579" for "\$1,516".

1986—Subsec. (a). Pub. L. 99-576, §101(a)(1), substituted "\$69" for "\$68".

Pub. L. 99-238, §101(a)(1), substituted "\$68" for "\$66".

Subsec. (b). Pub. L. 99-576, §101(a)(2), substituted "\$128" for "\$126".

Pub. L. 99-238, §101(a)(2), substituted "\$126" for "\$122".

Subsec. (c). Pub. L. 99-576, §101(a)(3), substituted "\$194" for "\$191".

Pub. L. 99-238, §101(a)(3), substituted "\$191" for "\$185".

Subsec. (d). Pub. L. 99-576, §101(a)(4), substituted "\$278" for "\$274".

Pub. L. 99-238, §101(a)(4), substituted "\$274" for "\$266".

Subsec. (e). Pub. L. 99-576, §101(a)(5), substituted "\$394" for "\$388".

Pub. L. 99-238, §101(a)(5), substituted "\$388" for "\$376".

Subsec. (f). Pub. L. 99-576, §101(a)(6), substituted "\$496" for "\$489".

Pub. L. 99-238, §101(a)(6), substituted "\$489" for "\$474".

Subsec. (g). Pub. L. 99-576, §101(a)(7), substituted "\$626" for "\$617".

Pub. L. 99-238, §101(a)(7), substituted "\$617" for "\$598".

Subsec. (h). Pub. L. 99-576, §101(a)(8), substituted "\$724" for "\$713".

Pub. L. 99-238, §101(a)(8), substituted "\$713" for "\$692".

Subsec. (i). Pub. L. 99-576, §101(a)(9), substituted "\$815" for "\$803".

Pub. L. 99-238, §101(a)(9), substituted "\$803" for "\$779".

Subsec. (j). Pub. L. 99-576, §101(a)(10), substituted "\$1,355" for "\$1,335".

Pub. L. 99-238, §101(a)(10), substituted "\$1,335" for "\$1,295".

Subsec. (k). Pub. L. 99-576, §101(a)(11), substituted "\$63", "\$1,684", and "\$2,360" for "\$62", "\$1,659", and "\$2,325", respectively.

Pub. L. 99-238, §101(a)(11), substituted "\$1,659" and "\$2,325" for "\$1,609" and "\$2,255", respectively.

Subsec. (l). Pub. L. 99-576, §101(a)(12), substituted "\$1,684" for "\$1,659".

Pub. L. 99-238, §101(a)(12), substituted "\$1,659" for "\$1,609".

Subsec. (m). Pub. L. 99-576, §101(a)(13), substituted "\$1,856" for "\$1,829".

Pub. L. 99-238, §101(a)(13), substituted "\$1,829" for "\$1,774".

Subsec. (n). Pub. L. 99-576, §101(a)(14), substituted "\$2,111" for "\$2,080".

Pub. L. 99-238, §101(a)(14), substituted "\$2,080" for "\$2,017".

Subsecs. (o), (p). Pub. L. 99-576, §101(a)(15), substituted "\$2,360" for "\$2,325" wherever appearing.

Pub. L. 99-238, §101(a)(15), substituted "\$2,325" for "\$2,255" wherever appearing.

Subsec. (r). Pub. L. 99-576, §101(a)(16), substituted "\$1,013" and "\$1,509" for "\$998" and "\$1,487", respectively.

Pub. L. 99-238, §101(a)(16), substituted "\$998" and "\$1,487" for "\$968" and "\$1,442", respectively.

Subsec. (s). Pub. L. 99-576, §101(a)(17), substituted "\$1,516" for "\$1,494".

Pub. L. 99-238, §101(a)(17), substituted "\$1,494" for "\$1,449".

Subsec. (t). Pub. L. 99-576, §109(b), struck out subsec. (t) which read as follows:

"(1) If the veteran (A) is entitled to receive compensation at any rate provided for under subsections (a) through (i) of this section and compensation under subsection (k) of this section, (B) has suffered the loss or loss of use of an extremity as a result of a service-connected disability ratable at 40 percent or more, and (C) has suffered the loss or loss of use of the paired extrem-

ity as a result of a non-service-connected disability, not the result of the veteran's own willful misconduct, that would be rated, if service-connected, at 40 percent or more, the monthly rate of compensation payable to such veteran shall be increased by \$289.

"(2) If a veteran described in paragraph (1) of this subsection receives any money or property of value pursuant to an award in a judicial proceeding based upon, or a settlement or compromise of, any cause of action for damages for the non-service-connected disability described in such paragraph, the increase in the rate of compensation otherwise payable under this subsection shall not be paid for any month following a month in which any such money or property is received until such time as the total of the amount of such increase that would otherwise have been payable equals the total of the amount of any such money received and the fair market value of any such property received."

Pub. L. 99-238, §101(a)(18), substituted "\$289" for "\$280" in par. (1).

1984—Subsec. (a). Pub. L. 98-543, §101(a)(1), substituted "\$66" for "\$64".

Pub. L. 98-223, §101(a)(1), substituted "\$64" for "\$62".

Pub. L. 98-223, §101(a)(19), substituted "percent" for "per centum".

Subsec. (b). Pub. L. 98-543, §101(a)(2), substituted "\$122" for "\$118".

Pub. L. 98-223, §101(a)(2), substituted "\$118" for "\$114".

Pub. L. 98-223, §101(a)(19), substituted "percent" for "per centum".

Subsec. (c). Pub. L. 98-543, §101(a)(3), substituted "\$185" for "\$179".

Pub. L. 98-223, §101(a)(3), substituted "\$179" for "\$173".

Pub. L. 98-223, §101(a)(19), substituted "percent" for "per centum".

Subsec. (d). Pub. L. 98-543, §101(a)(4), substituted "\$266" for "\$258".

Pub. L. 98-223, §101(a)(4), substituted "\$258" for "\$249".

Pub. L. 98-223, §101(a)(19), substituted "percent" for "per centum".

Subsec. (e). Pub. L. 98-543, §101(a)(5), substituted "\$376" for "\$364".

Pub. L. 98-223, §101(a)(5), substituted "\$364" for "\$352".

Pub. L. 98-223, §101(a)(19), substituted "percent" for "per centum".

Subsec. (f). Pub. L. 98-543, §101(a)(6), substituted "\$474" for "\$459".

Pub. L. 98-223, §101(a)(6), substituted "\$459" for "\$443".

Pub. L. 98-223, §101(a)(19), substituted "percent" for "per centum".

Subsec. (g). Pub. L. 98-543, §101(a)(7), substituted "\$598" for "\$579".

Pub. L. 98-223, §101(a)(7), substituted "\$579" for "\$559".

Pub. L. 98-223, §101(a)(19), substituted "percent" for "per centum".

Subsec. (h). Pub. L. 98-543, §101(a)(8), substituted "\$692" for "\$671".

Pub. L. 98-223, §101(a)(8), substituted "\$671" for "\$648".

Pub. L. 98-223, §101(a)(19), substituted "percent" for "per centum".

Subsec. (i). Pub. L. 98-543, §101(a)(9), substituted "\$779" for "\$755".

Pub. L. 98-223, §101(a)(9), substituted "\$755" for "\$729".

Pub. L. 98-223, §101(a)(19), substituted "percent" for "per centum".

Subsec. (j). Pub. L. 98-543, §101(a)(10), substituted "\$1,295" for "\$1,255".

Pub. L. 98-223, §101(a)(10), substituted "\$1,255" for "\$1,213".

Subsec. (k). Pub. L. 98-543, §101(a)(11), substituted "\$1,609" and "\$2,255" for "\$1,559" and "\$2,185", respectively.

Pub. L. 98-223, §101(a)(11), substituted "\$1,559" and "\$2,185" for "\$1,506" and "\$2,111", respectively.

Subsec. (l). Pub. L. 98-543, §101(a)(12), substituted "\$1,609" for "\$1,559".

Pub. L. 98-223, §101(a)(12), substituted "\$1,559" for "\$1,506".

Subsec. (m). Pub. L. 98-543, §101(a)(13), substituted "\$1,774" for "\$1,719".

Pub. L. 98-223, §101(a)(13), substituted "\$1,719" for "\$1,661".

Subsec. (n). Pub. L. 98-543, §101(a)(14), substituted "\$2,017" for "\$1,954".

Pub. L. 98-223, §101(a)(14), substituted "\$1,954" for "\$1,888".

Subsec. (o). Pub. L. 98-543, §101(a)(15), substituted "\$2,255" for "\$2,185".

Pub. L. 98-223, §101(a)(15), substituted "\$2,185" for "\$2,111".

Pub. L. 98-223, §101(a)(19), substituted "percent" for "per centum".

Pub. L. 98-223, §112(a), inserted "or if the veteran has suffered service-connected total deafness in one ear or bilateral deafness (and the hearing impairment in either one or both ears is service connected) rated at 40 percent or more disabling and the veteran has also suffered service-connected blindness having only light perception or less," after "5/200 visual acuity or less."

Subsec. (p). Pub. L. 98-543, §101(a)(15), substituted "\$2,255" for "\$2,185" in four places.

Pub. L. 98-223, §101(a)(15), substituted "\$2,185" for "\$2,111" in three places.

Pub. L. 98-223, §101(a)(19), substituted "percent" for "per centum".

Pub. L. 98-223, §112(b)(1), substituted "30" for "40" in cl. (1).

Pub. L. 98-223, §112(b)(2), inserted provision authorizing the Administrator to allow the next intermediate rate, but in no event in excess of \$2,185, in the event the veteran has suffered service-connected blindness, having only light perception or less, and has also suffered bilateral deafness, and the hearing impairment in either one or both ears is service connected, rated at 10 to 20 percent disabling.

Subsec. (r). Pub. L. 98-543, §101(a)(16), substituted "\$968" and "\$1,442" for "\$938" and "\$1,397", respectively.

Pub. L. 98-223, §101(a)(16), substituted "\$938" and "\$1,397" for "\$906" and "\$1,350", respectively.

Subsec. (s). Pub. L. 98-543, §101(a)(17), substituted "\$1,449" for "\$1,404".

Pub. L. 98-223, §101(a)(17), substituted "\$1,404" for "\$1,357".

Pub. L. 98-223, §101(a)(19), substituted "percent" for "per centum".

Subsec. (t)(1). Pub. L. 98-543, §101(a)(18), substituted "\$280" for "\$271".

Pub. L. 98-223, §101(a)(18), substituted "\$271" for "\$262".

Pub. L. 98-223, §101(a)(19), substituted "percent" for "per centum" in two places.

1982—Subsec. (a). Pub. L. 97-306, §§101(a)(1), 107, 108, substituted "\$62" for "\$58", and repealed amendment made by Pub. L. 97-253, §405(b)(1), eff. Oct. 1, 1982.

Pub. L. 97-253, §405(b)(1), (h), eff. Jan. 1, 1983, substituted "\$57" for "\$58".

Subsec. (b). Pub. L. 97-306, §101(a)(2), substituted "\$114" for "\$107".

Subsec. (c). Pub. L. 97-306, §§101(a)(3), 107, 108, substituted "\$173" for "\$162", and repealed amendment made by Pub. L. 97-253, §405(b)(2), eff. Oct. 1, 1982.

Pub. L. 97-253, §405(b)(2), (h), eff. Jan. 1, 1983, substituted "\$161" for "\$162".

Subsec. (d). Pub. L. 97-306, §101(a)(4), substituted "\$249" for "\$232".

Subsec. (e). Pub. L. 97-306, §101(a)(5), substituted "\$352" for "\$328".

Subsec. (f). Pub. L. 97-306, §§101(a)(6), 107, 108, substituted "\$443" for "\$413", and repealed amendment made by Pub. L. 97-253, §405(b)(3), eff. Oct. 1, 1982.

Pub. L. 97-253, §405(b)(3), (h), eff. Jan. 1, 1983, substituted "\$412" for "\$413".

Subsec. (g). Pub. L. 97-306, §101(a)(7), substituted "\$559" for "\$521".

Subsec. (h). Pub. L. 97-306, §§101(a)(8), 107, 108, substituted "\$648" for "\$604", and repealed amendment made by Pub. L. 97-253, §405(b)(4), eff. Oct. 1, 1982.

Pub. L. 97-253, §405(b)(4), (h), eff. Jan. 1, 1983, substituted "\$603" for "\$604".

Subsec. (i). Pub. L. 97-306, §101(a)(9), substituted "\$729" for "\$679".

Subsec. (j). Pub. L. 97-306, §101(a)(10), substituted "\$1,213" for "\$1,130".

Subsec. (k). Pub. L. 97-306, §§101(a)(11), 107, 108, substituted "\$1,506" for "\$1,403" and "\$2,111" for "\$1,966", and repealed amendment made by Pub. L. 97-253, §405(b)(5), eff. Oct. 1, 1982.

Pub. L. 97-253, §405(b)(5), (h), eff. Jan. 1, 1983, substituted "\$61" for "\$62", "\$1,402" for "\$1,403", "\$61" for "\$62", and "\$1,965" for "\$1,966".

Subsec. (l). Pub. L. 97-306, §§101(a)(12), 107, 108, substituted "\$1,506" for "\$1,403", and repealed amendment made by Pub. L. 97-253, §405(b)(6), eff. Oct. 1, 1982.

Pub. L. 97-253, §405(b)(6), (h), eff. Jan. 1, 1983, substituted "\$1,402" for "\$1,403".

Subsec. (m). Pub. L. 97-306, §§101(a)(13), 107, 108, substituted "\$1,661" for "\$1,547", and repealed amendment made by Pub. L. 97-253, §405(b)(7), eff. Oct. 1, 1982.

Pub. L. 97-253, §405(b)(7), (h), eff. Jan. 1, 1983, substituted "\$1,546" for "\$1,547".

Subsec. (n). Pub. L. 97-306, §§101(a)(14), 107, 108, 111(a), inserted "or has suffered blindness without light perception in both eyes," after "anatomical loss of both eyes," substituted "\$1,888" for "\$1,758", and repealed amendment made by Pub. L. 97-253, §405(b)(8), eff. Oct. 1, 1982.

Pub. L. 97-253, §405(b)(8), (h), eff. Jan. 1, 1983, substituted "\$1,757" for "\$1,758".

Subsec. (o). Pub. L. 97-306, §§101(a)(15), 107, 108, substituted "\$2,111" for "\$1,966", and repealed amendment made by Pub. L. 97-253, §405(b)(9), eff. Oct. 1, 1982.

Pub. L. 97-253, §405(b)(9), (h), eff. Jan. 1, 1983, substituted "\$1,965" for "\$1,966".

Subsec. (p). Pub. L. 97-306, §§101(a)(15), 107, 108, 111(b), substituted "\$2,111" for "\$1,966" wherever appearing, inserted "or service-connected anatomical loss or loss of use of one hand or one foot" after "in one ear", and repealed amendment made by Pub. L. 97-253, §405(b)(9), eff. Oct. 1, 1982.

Pub. L. 97-253, §405(b)(9), (h), eff. Jan. 1, 1983, substituted "\$1,965" for "\$1,966" wherever appearing.

Pub. L. 97-253, §404(a), inserted "down" after "arithmetic mean, rounded".

Subsec. (r). Pub. L. 97-306, §§101(a)(16), 107, 108, substituted "\$906" for "\$844" in par. (1), "\$1,350" for "\$1,257" in par. (2), and repealed amendment made by Pub. L. 97-253, §405(b)(10), eff. Oct. 1, 1982.

Pub. L. 97-253, §405(b)(10), (h), eff. Jan. 1, 1983, substituted "\$843" for "\$844" in par. (1), and "\$1,256" for "\$1,257" in par. (2).

Subsec. (s). Pub. L. 97-306, §§101(a)(17), 107, 108, substituted "\$1,357" for "\$1,264", and repealed amendment made by Pub. L. 97-253, §405(b)(11), eff. Oct. 1, 1982.

Pub. L. 97-253, §405(b)(11), (h), eff. Jan. 1, 1983, substituted "\$1,263" for "\$1,264".

Subsec. (t)(1). Pub. L. 97-306, §§101(a)(18), 107, 108, substituted "\$262" for "\$244", and repealed amendment made by Pub. L. 97-253, §405(b)(12), eff. Oct. 1, 1982.

Pub. L. 97-253, §405(b)(12), (h), eff. Jan. 1, 1983, substituted "\$243" for "\$244".

1981—Subsecs. (a) to (k). Pub. L. 97-66, §101(a)(1)–(11), increased compensation in subsec. (a) from \$54 to \$58, subsec. (b) from \$99 to \$107, subsec. (c) from \$150 to \$162, subsec. (d) from \$206 to \$232, subsec. (e) from \$291 to \$328, subsec. (f) from \$367 to \$413, subsec. (g) from \$434 to \$521, subsec. (h) from \$503 to \$604, subsec. (i) from \$566 to \$679, subsec. (j) from \$1,016 to \$1,130, and subsec. (k) from \$1,262 to \$1,403 and from \$1,768 to \$1,966.

Subsec. (l). Pub. L. 97-66, §§101(a)(12), 104(1), substituted "loss of use of both feet" for "loss of use of both hands, or both feet" and "\$1,403" for "\$1,262".

Subsec. (m). Pub. L. 97-66, §§101(a)(13), 104(2), substituted "both hands, or of both legs at a level, or with

complications, preventing natural knee action with prostheses in place, or of one arm and one leg at levels, or with complications, preventing natural elbow and knee action with prostheses" for "two extremities at a level, or with complications, preventing natural elbow or knee action with prosthesis" and "\$1,547" for "\$1,391".

Subsec. (n). Pub. L. 97-66, §§101(a)(14), 104(3), substituted "or loss of use of both arms at levels, or with complications, preventing natural elbow action with prostheses in place, has suffered the anatomical loss of both legs so near the hip as to prevent the use of prosthetic appliances, or has suffered the anatomical loss of one arm and one leg so near the shoulder and hip as to prevent the use of prosthetic appliances," for "of two extremities so near the shoulder or hip as to prevent the use of a prosthetic appliance" and "\$1,758" for "\$1,581".

Subsec. (o). Pub. L. 97-66, §§101(a)(15), 104(4), substituted "visual acuity or less, or if the veteran has suffered the anatomical loss of both arms so near the shoulder as to prevent the use of prosthetic appliances, the monthly compensation shall be \$1,966" for "visual acuity or less, the monthly compensation shall be \$1,768".

Subsec. (p). Pub. L. 97-66, §101(a)(15), substituted "\$1,966" for "\$1,768" in three places.

Subsec. (r). Pub. L. 97-66, §101(a)(16), substituted "\$844" for "\$759" in cl. (1) and "\$1,257" for "\$1,130" in cl. (2).

Subsec. (s). Pub. L. 97-66, §101(a)(17), increased compensation from \$1,137 to \$1,264.

Subsec. (t)(1). Pub. L. 97-66, §101(a)(18), increased compensation from \$219 to \$244.

1980—Subsecs. (a) to (o). Pub. L. 96-385, §101(a)(1)–(15), increased compensation in subsec. (a) from \$48 to \$54, subsec. (b) from \$88 to \$99, subsec. (c) from \$133 to \$150, subsec. (d) from \$182 to \$206, subsec. (e) from \$255 to \$291, subsec. (f) from \$321 to \$367, subsec. (g) from \$380 to \$434, subsec. (h) from \$440 to \$503, subsec. (i) from \$495 to \$566, subsec. (j) from \$889 to \$1,016, subsec. (k) from \$1,104 and \$1,547 to \$1,262 and \$1,768, subsec. (l) from \$1,104 to \$1,262, subsec. (m) from \$1,217 to \$1,391, subsec. (n) from \$1,383 to \$1,581, subsec. (o) from \$1,547 to \$1,768.

Subsec. (p). Pub. L. 96-385, §101(a)(15), substituted "\$1,768" for "\$1,547" in three places.

Subsec. (r). Pub. L. 96-385, §101(a)(16), substituted "\$759" for "\$664" in cl. (1) and "\$1,130" for "\$989" in cl. (2).

Subsec. (s). Pub. L. 96-385, §101(a)(17), increased compensation from \$995 to \$1,137.

Subsec. (t)(1). Pub. L. 96-385, §101(a)(18), increased compensation from \$192 to \$219.

1979—Subsecs. (a) to (o). Pub. L. 96-128, §101(a)(1)–(15), increased compensation in subsec. (a) from \$44 to \$48, subsec. (b) from \$80 to \$88, subsec. (c) from \$121 to \$133, subsec. (d) from \$166 to \$182, subsec. (e) from \$232 to \$255, subsec. (f) from \$292 to \$321, subsec. (g) from \$346 to \$380, subsec. (h) from \$400 to \$440, subsec. (i) from \$450 to \$495, subsec. (j) from \$809 to \$889, subsec. (k) from \$56 to \$62, from \$1,005 to \$1,104, and from \$1,408 to \$1,547, subsec. (l) from \$1,005 to \$1,104, subsec. (m) from \$1,107 to \$1,217, subsec. (n) from \$1,258 to \$1,383, and subsec. (o) from \$1,408 to \$1,547.

Subsec. (p). Pub. L. 96-128, §101(a)(15), 105, inserted provisions respecting the establishment of any intermediate rate, and substituted "\$1,547" for "\$1,408" wherever appearing.

Subsec. (r). Pub. L. 96-128, §101(a)(16), 104, inserted provisions relating to intermediate rates and struck out reference to subsections (o) or (p) of this section in introductory text, substituted "\$664" for "\$604" in cl. (1), and substituted "\$989" for "\$900" in cl. (2).

Subsec. (s). Pub. L. 96-128, §101(a)(17), increased compensation from \$905 to \$995.

Subsec. (t)(1). Pub. L. 96-128, §101(a)(18), increased compensation from \$175 to \$192.

1978—Subsecs. (a) to (o). Pub. L. 95-479, §101(a)(1)–(15), increased compensation in subsec. (a) from \$41 to \$44,

subsec. (b) from \$75 to \$80, in subsec. (c) from \$113 to \$121, in subsec. (d) from \$155 to \$166, in subsec. (e) from \$216 to \$232, in subsec. (f) from \$272 to \$292, in subsec. (g) from \$322 to \$346, in subsec. (h) from \$373 to \$400, in subsec. (i) from \$419 to \$450, in subsec. (j) from \$754 to \$809, in subsec. (k) from \$937 and \$1,312 to \$1,005 and \$1,408, respectively, in subsec. (l) from \$937 to \$1,005, in subsec. (m) from \$1,032 to \$1,107, in subsec. (n) from \$1,172 to \$1,258, and in subsec. (o) from \$1,312 to \$1,408.

Subsec. (p). Pub. L. 95-479, §101(a)(15), (b), substituted "\$1,408" for "\$1,312" in two places, and inserted provision allowing next higher rate or intermediate rate but in no event in excess of \$1,408 in event veteran has suffered anatomical loss or loss of use, or a combination thereof, of three extremities.

Subsec. (r). Pub. L. 95-479, §101(c), raised the monthly aid and attendance allowance from \$563 to \$604, and inserted provisions relating to need of higher level of care.

Subsec. (s). Pub. L. 95-479, §101(a)(16), substituted "\$905" for "\$843".

Subsec. (t). Pub. L. 95-479, §101(d), added subsec. (t). 1977—Subsecs. (a) to (p), (r), (s). Pub. L. 95-117 increased compensation in subsec. (a) from \$38 to \$41, subsec. (b) from \$70 to \$75, subsec. (c) from \$106 to \$113, subsec. (d) from \$145 to \$155, subsec. (e) from \$203 to \$216, subsec. (f) from \$255 to \$272, subsec. (g) from \$302 to \$322, subsec. (h) from \$350 to \$373, subsec. (i) from \$393 to \$419, subsec. (j) from \$707 to \$754, subsec. (k) from \$879 and \$1,231 to \$937 and \$1,312, respectively, subsec. (l) from \$879 to \$937, subsec. (m) from \$968 to \$1,032, subsec. (n) from \$1,099 to \$1,172, subsec. (o) from \$1,231 to \$1,312, subsec. (p) from \$1,231 to \$1,312, subsec. (r) from \$528 to \$563, and subsec. (s) from \$791 to \$843.

1976—Subsecs. (a) to (l). Pub. L. 94-433, §101(a)(1)–(12), increased compensation in subsec. (a) from \$35 to \$38, subsec. (b) from \$65 to \$70, subsec. (c) from \$98 to \$106, subsec. (d) from \$134 to \$145, subsec. (e) from \$188 to \$203, subsec. (f) from \$236 to \$255, subsec. (g) from \$280 to \$302, subsec. (h) from \$324 to \$350, subsec. (i) from \$364 to \$393, subsec. (j) from \$655 to \$707, subsec. (k) from \$52, \$814, and \$1,139 to \$56, \$879, and \$1,231, respectively, and subsec. (l) from \$814 to \$879.

Subsec. (m). Pub. L. 94-433, §101(a)(13), 404(6), increased compensation from \$896 to \$968 and substituted "such veteran" for "him", respectively.

Subsec. (n). Pub. L. 94-433, §101(a)(14), increased compensation from \$1,018 to \$1,099.

Subsec. (o). Pub. L. 94-433, §§101(a)(15), 401(4), 404(6), increased compensation from \$1,139 to \$1,231, struck out "in combination with total blindness with $\frac{5}{500}$ visual acuity or less," before "the monthly compensation", and substituted "such veteran" for "him", respectively.

Subsec. (p). Pub. L. 94-433, §§101(a)(15), 404(7), increased compensation from \$1,139 to \$1,231 and struck out "in his discretion," before "may allow", respectively.

Subsec. (r). Pub. L. 94-433, §§101(a)(16), 401(5), 404(8), increased compensation from \$489 to \$528 and substituted reference to section "3203(e)" for "3203(f)" of this title and "such veteran" for "he", respectively.

Subsec. (s). Pub. L. 94-433, §§101(a)(17), 404(8), increased compensation from \$732 to \$791 and substituted "such veteran's" for "his" after "by reason of" and before "house", respectively.

1975—Subsecs. (a) to (p), (r), (s). Pub. L. 94-71 increased compensation in subsec. (a) from \$32 to \$35, subsec. (b) from \$59 to \$65, subsec. (c) from \$89 to \$98, subsec. (d) from \$122 to \$134, subsec. (e) from \$171 to \$188, subsec. (f) from \$211 to \$236, subsec. (g) from \$250 to \$280, subsec. (h) from \$289 to \$324, subsec. (i) from \$325 to \$364, subsec. (j) from \$584 to \$655, subsec. (k) from \$727 and \$1,017 to \$814 and \$1,139 respectively, subsec. (l) from \$727 to \$814, subsec. (m) from \$800 to \$896, subsec. (n) from \$909 to \$1,018, subsec. (o) from \$1,017 to \$1,139, subsec. (p) from \$1,017 to \$1,139, subsec. (r) from \$437 to \$489, and subsec. (s) from \$654 to \$732.

1974—Subsecs. (a) to (p), (r), (s). Pub. L. 93-295 increased compensation in subsec. (a) from \$28 to \$32, sub-

sec. (b) from \$51 to \$59, subsec. (c) from \$77 to \$89, subsec. (d) from \$106 to \$122, subsec. (e) from \$149 to \$171, subsec. (f) from \$179 to \$211, subsec. (g) from \$212 to \$250, subsec. (h) from \$245 to \$289, subsec. (i) from \$275 to \$325, subsec. (j) from \$495 to \$584, subsec. (k) from \$47, \$616 and \$862 to \$52, \$727 and \$1,017, respectively, subsec. (l) from \$616 to \$727, subsec. (m) from \$678 to \$800, subsec. (n) from \$770 to \$909, subsec. (o) from \$862 to \$1,017, subsec. (p) from \$862 to \$1,017, subsec. (r) from \$370 to \$437, and subsec. (s) from \$554 to \$654.

1972—Subsecs. (a) to (p), (r), (s). Pub. L. 92-328 increased compensation in subsec. (a) from \$25 to \$28, subsec. (b) from \$46 to \$51, subsec. (c) from \$70 to \$77, subsec. (d) from \$96 to \$106, subsec. (e) from \$135 to \$149, subsec. (f) from \$163 to \$179, subsec. (g) from \$193 to \$212, subsec. (h) from \$223 to \$245, subsec. (i) from \$250 to \$275, subsec. (j) from \$450 to \$495, subsec. (k) from \$560 to \$616 and \$784 to \$862, respectively, subsec. (l) from \$560 to \$616, subsec. (m) from \$616 to \$678, subsec. (n) from \$700 to \$770, subsec. (o) from \$784 to \$862, subsec. (p) from \$784 to \$862, subsec. (r) from \$336 to \$370, and subsec. (s) from \$504 to \$554.

1970—Subsecs. (a) to (p), (r), (s). Pub. L. 91-376 increased compensation in subsec. (a) from \$23 to \$25, subsec. (b) from \$43 to \$46, subsec. (c) from \$65 to \$70, subsec. (d) from \$89 to \$96, subsec. (e) from \$122 to \$135, subsec. (f) from \$147 to \$163, subsec. (g) from \$174 to \$193, subsec. (h) from \$201 to \$223, subsec. (i) from \$226 to \$250, subsec. (j) from \$400 to \$450, subsec. (k) from \$500 and \$700 to \$560 and \$784, respectively, subsec. (l) from \$500 to \$560, subsec. (m) from \$550 to \$616, subsec. (n) from \$625 to \$700, subsec. (o) from \$700 to \$784, subsec. (p) from \$700 to \$784, subsec. (r) from \$300 to \$336, and subsec. (s) from \$450 to \$504.

1968—Subsecs. (a) to (p). Pub. L. 90-493, §1(a)(1)-(14), (17), increased compensation in subsec. (a) from \$21 to \$23, subsec. (b) from \$40 to \$43, subsec. (c) from \$60 to \$65, subsec. (d) from \$82 to \$89, subsec. (e) from \$113 to \$122, subsec. (f) from \$136 to \$147, subsec. (g) from \$161 to \$174, subsec. (h) from \$186 to \$201, subsec. (i) from \$209 to \$226, subsec. (j) from \$300 to \$400, subsec. (k) from \$600 and \$400 to \$700 and \$500, respectively, subsec. (l) from \$400 to \$500, subsec. (m) from \$450 to \$550, subsec. (n) from \$525 to \$625, subsec. (o) from \$600 to \$700, and subsec. (p) from \$600 to \$700.

Subsec. (q). Pub. L. 90-493, §4(a), struck out provision that if the veteran is shown to have had a service-connected disability resulting from an active tuberculous disease, the monthly compensation shall be not less than \$67, provided that, in the judgment of the Administrator, the disease has reached a condition of complete arrest.

Subsecs. (r), (s). Pub. L. 90-493, §1(a)(15), (16), increased compensation in subsec. (r) from \$250 to \$300, and in subsec. (s) from \$350 to \$450.

1967—Subsec. (k). Pub. L. 90-77 substituted "one or more creative organs" for "a creative organ" and "in the event the veteran has suffered one or more of the disabilities heretofore specified in this subsection" for "in the event of anatomical loss or loss of use of a creative organ, or one foot, or one hand, or both buttocks, or blindness of one eye, having only light perception, or has suffered complete organic aphonia with constant inability to communicate by speech, or deafness of both ears, having absence of air and bone conduction" and inserted following "\$47 per month" where initially appearing "for each such loss or loss of use", reference to subsec. (s) of this section and limitation of compensation to \$400 per month.

1965—Subsecs. (a) to (m). Pub. L. 89-311, §1(a)(1)-(14), increased compensation in subsec. (a) from \$20 to \$21, subsec. (b) from \$38 to \$40, subsec. (c) from \$58 to \$60, subsec. (d) from \$77 to \$82, subsec. (e) from \$107 to \$113, subsec. (f) from \$128 to \$136, subsec. (g) from \$149 to \$161, subsec. (h) from \$170 to \$186, subsec. (i) from \$191 to \$209, subsec. (j) from \$250 to \$300, subsec. (k) from \$525 to \$600, subsec. (l) from \$340 to \$400, subsec. (m) from \$390 to \$450, and subsec. (n) from \$440 to \$525.

Subsec. (o). Pub. L. 89-311, §1(a)(11), 3(d), increased compensation from \$525 to \$600 and relaxed requirement

of total deafness by requiring only bilateral deafness (if the hearing impairment in either one or both ears is service connected) rated at 60 per centum or more disabling.

Subsec. (p). Pub. L. 89-311, §3(e), increased from \$525 to \$600 the allowable maximum rates when service-connected disabilities exceed the requirements for any of the prescribed rates and inserted specific reference to an increase to the next higher rate in the case of service-connected blindness and bilateral deafness and an increase to the next intermediate rate in the case of service-connected total deafness in one ear.

Subsec. (r). Pub. L. 89-311, §1(a)(15), substituted "\$250" for "\$200".

Subsec. (s). Pub. L. 89-311, §1(a)(16), substituted "\$350" for "\$290".

1963—Subsec. (k). Pub. L. 88-22 provided increased compensation for veterans suffering complete organic aphonia with constant inability to communicate by speech.

Pub. L. 88-20 provided increased compensation for veterans suffering deafness of both ears, having absence of air and bone conduction.

1962—Subsecs. (a) to (p). Pub. L. 87-645, §1(a)(1)-(14), increased monthly compensation in subsec. (a) from \$19 to \$20, subsec. (b) from \$36 to \$38, subsec. (c) from \$55 to \$58, subsec. (d) from \$73 to \$77, subsec. (e) from \$100 to \$107, subsec. (f) from \$120 to \$128, subsec. (g) from \$140 to \$149, subsec. (h) from \$160 to \$170, subsec. (i) from \$179 to \$191, subsec. (j) from \$225 to \$250, subsec. (k) from \$450 to \$525, subsec. (l) from \$309 to \$340, subsec. (m) from \$359 to \$390, subsec. (n) from \$401 to \$440, and subsec. (o) and (p) from \$450 to \$525.

Subsec. (r). Pub. L. 87-645, §§1(a)(15), 2(a), increased monthly compensation from \$150 to \$200, and substituted ", subject to the limitations of section 3203(f) of this title" for "for all periods during which he is not hospitalized at Government expense".

Subsec. (s). Pub. L. 87-645, §1(a)(16), increased monthly compensation from \$265 to \$290.

1960—Subsec. (s). Pub. L. 86-663 added subsec. (s).

1958—Subsec. (r). Pub. L. 85-782 added subsec. (r).

EFFECTIVE DATE OF 1993 AMENDMENT

Section 7 of Pub. L. 103-140 provided that: "The amendments made by this Act [amending this section and sections 1115, 1162, 1311, 1313, and 1314 of this title] shall take effect on December 1, 1993."

EFFECTIVE DATE OF 1991 AMENDMENTS

Section 7 of Pub. L. 102-152 provided that: "The amendments made by this Act [amending this section and sections 1115, 1162, 1311, 1313, and 1314 of this title] shall take effect on December 1, 1991."

Section 7 of Pub. L. 102-3 provided that: "Section 2(b) [set out as a note below] and the amendments made by this Act [amending this section and sections 315, 362, 411, 413, and 414 [now 1115, 1162, 1311, 1313, and 1314] of this title] shall take effect as of January 1, 1991."

EFFECTIVE DATE OF 1989 AMENDMENT

Section 106 of Pub. L. 101-237 provided that: "The amendments made by this part [part A (§§101-106) of title I of Pub. L. 101-237, amending this section and sections 315, 362, 411, 413, and 414 [now 1115, 1162, 1311, 1313, and 1314] of this title] shall take effect on December 1, 1989."

EFFECTIVE DATE OF 1988 AMENDMENT

Section 1106 of title XI of Pub. L. 100-687 provided that: "The amendments made by this title [amending this section and sections 315, 362, 411, 413, and 414 [now 1115, 1162, 1311, 1313, and 1314] of this title, and enacting provisions set out as a note below] shall take effect on December 1, 1988."

EFFECTIVE DATE OF 1987 AMENDMENT

Section 107 of title I of Pub. L. 100-227 provided that: "The amendments made by this title [amending this

section and sections 315, 362, 411, 413, and 414 [now 1115, 1162, 1311, 1313, and 1314] of this title and enacting provisions set out as notes under this section and section 101 of this title] shall take effect as of December 1, 1987."

EFFECTIVE DATE OF 1986 AMENDMENTS

Section 107 of Pub. L. 99-576 provided that: "The amendments made by sections 101 through 106 [amending this section and sections 315, 362, 411, 413, and 414 [now 1115, 1162, 1311, 1313, and 1314] of this title] shall take effect on December 1, 1986, except that such amendments shall not take effect unless benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 1986, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i))."

Amendment by section 109(b) of Pub. L. 99-576 effective Oct. 28, 1986, see section 109(c)(1) of Pub. L. 99-576, set out as a note under section 1160 of this title.

Section 107 of title I of Pub. L. 99-238 provided that: "The amendments made by this title [amending this section and sections 315, 362, 411, 413, and 414 [now 1115, 1162, 1311, 1313, and 1314] of this title and enacting provisions set out as a note under this section] shall take effect as of December 1, 1985."

EFFECTIVE DATE OF 1984 AMENDMENTS

Section 107 of Pub. L. 98-543 provided that: "Sections 101 through 106 [amending this section and sections 315, 362, 411, 413, and 414 [now 1115, 1162, 1311, 1313, and 1314] of this title and enacting provisions set out as a note under this section] shall take effect on December 1, 1984."

Section 107 of Pub. L. 98-223 provided that: "The amendments made by this part [part A (§§101-108) of title I of Pub. L. 98-223, see Tables for classification] shall take effect on April 1, 1984."

Amendment by section 112 of Pub. L. 98-223 effective Oct. 1, 1983, see section 114 of Pub. L. 98-223, set out as a note under section 1112 of this title.

EFFECTIVE DATE OF 1982 AMENDMENTS

Section 108 of Pub. L. 97-306 provided that: "The amendments made by this part [part A (§§101-108) of title I of Pub. L. 97-306, see Tables for classification] shall take effect on October 1, 1982."

Section 111(c) of Pub. L. 97-306 provided that: "The amendments made by subsections (a) and (b) [amending this section] shall take effect on October 1, 1982."

Section 404(c) of Pub. L. 97-253 provided that: "The amendments made by this section [amending this section and section 315 [now 1115] of this title] shall take effect on October 1, 1982."

EFFECTIVE DATE OF 1981 AMENDMENT

Section 701 of Pub. L. 97-66 provided that:

"(a) The amendments made by titles I, II, and III [see Tables for classification] shall take effect as of October 1, 1981.

"(b)(1) Except as otherwise provided in this subsection, the amendments made by titles IV, V, and VI [see Tables for classification] shall take effect on the date of the enactment of this Act [Oct. 17, 1981].

"(2) The amendments made by section 401 [amending sections 767 and 777 [now 1967 and 1977] of this title] shall take effect on December 1, 1981.

"(3) The amendments made by section 504 [amending section 1826 [now 3726] of this title] shall take effect as of October 17, 1980.

"(4) The amendments made by section 601(b)(1) [amending section 5010 [now 8110] of this title] shall take effect as of October 1, 1981.

"(5) The amendments made by section 602 [amending section 3203 [now 5503] of this title] shall take effect on the date of the enactment of this Act [Oct. 17, 1981] and shall apply with respect to veterans admitted to a Veterans' Administration hospital or nursing home on or after such date.

"(6) The amendments made by section 603 [amending sections 906 and 1003 [now 2306 and 2403] of this title] shall apply with respect to veterans dying before, on, or after the date of the enactment of this Act [Oct. 17, 1981]."

EFFECTIVE DATE OF 1980 AMENDMENT

Section 601 of Pub. L. 96-385 provided that:

"(a) The amendments made by titles I and II [amending this section and sections 315, 362, 411, 413, and 414 [now 1115, 1162, 1311, 1313, and 1314] of this title] shall apply only to payments for months beginning after September 30, 1980.

"(b) The amendments made by title III [amending sections 801, 802, 804, and 805 [now 2101, 2102, 2104, and 2105] of this title] and by sections 402, 501, 503 [amending sections 230, 1810 [now 3710], 1811 [now 3711], 1819 [now 3712], 3104 [now 5304], and 3203 [now 5503] of this title], and 506 [amending section 121 of Title 36, Patriotic Societies and Observances] shall take effect on October 1, 1980.

"(c) The amendments made by section 502 [amending section 906 [now 2306] of this title] shall apply only with respect to individuals who die after September 30, 1980.

"(d) The amendments made by sections 401, 504, 505 [enacting sections 1810, 1819, 3113, and 3305 [now 3710, 3712, 5313, and 5705] of this title and amending sections 1803 and 1811 [now 3703 and 3711] of this title] and 507 [not classified to the Code] shall take effect on the date of the enactment of this Act [Oct. 7, 1980].

"(e) The amendments made by section 508 [amending former sections 4107 and 4109 of this title] shall take effect as of August 26, 1980."

EFFECTIVE DATE OF 1979 AMENDMENTS

Section 601 of Pub. L. 96-128, as amended by Pub. L. 96-151, title III, §306(a), Dec. 20, 1979, 93 Stat. 1097, provided that:

"(a)(1) Except as provided in paragraph (2) of this subsection, the amendments made by titles I and II [amending this section and sections 315, 362, 411, 413, and 414 [now 1115, 1162, 1311, 1313, and 1314] of this title] and the provisions of section 101(b) [set out as a note below] shall take effect as of October 1, 1979.

"(2) With respect to the amendment made by clause (11) of section 101(a), that portion of the amendment amending subsection (k) of section 314 [now 1114] to increase certain monthly rates of compensation [substituting "\$62" for "\$56" in two places] shall take effect as of September 1, 1980, and that portion of the amendment amending such subsection to increase certain maximum monthly amounts of compensation [substituting "\$1,104" for "\$1,005" and "\$1,547" for "\$1,408"] shall take effect as of October 1, 1979.

"(b) The amendments made by titles III, IV, and V [see Tables for classification] shall take effect on the date of the enactment of this Act [Nov. 28, 1979]."

[Section 306(b) of Pub. L. 96-151 provided that the amendment made to section 601(a)(2) of Pub. L. 96-128 [substituting "clause (11)" for "clause (1)"], set out as a note above, shall take effect as of Nov. 28, 1979.]

EFFECTIVE DATE OF 1978 AMENDMENT

Section 401 of Pub. L. 95-479 provided that:

"(a) Except as provided in subsection (b), the amendments made by this Act [see Tables for classification] shall take effect on October 1, 1978.

"(b) The amendment made by section 302 [amending section 562 [now 1562] of this title] shall take effect on January 1, 1979."

EFFECTIVE DATE OF 1977 AMENDMENT

Section 501 of Pub. L. 95-117 provided that: "Except as otherwise provided in this Act, the amendments made by this Act to title 38, United States Code [see Tables for classification], shall become effective on October 1, 1977."

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-433 effective Oct. 1, 1976, see section 406 of Pub. L. 94-433, set out as a note under section 1101 of this title.

EFFECTIVE DATE OF 1975 AMENDMENT

Section 301 of Pub. L. 94-71 provided that: "The provisions of this Act [see Tables for classification] shall become effective August 1, 1975."

EFFECTIVE DATE OF 1974 AMENDMENT

Section 401 of Pub. L. 93-295 provided that: "The provisions of this Act [see Tables for classification] shall become effective on May 1, 1974, except that title III [amending sections 1701 and 3202 [now 3501 and 5502] of this title] shall become effective on the first day of the second calendar month following enactment [May 31, 1974]."

EFFECTIVE DATE OF 1972 AMENDMENT

Section 301(a) of Pub. L. 92-328 provided that: "Sections 101 through 107 of this Act [see Tables for classification] shall take effect on the first day of the second calendar month which begins after the date of enactment [June 30, 1972]."

EFFECTIVE DATE OF 1970 AMENDMENT

Section 9 of Pub. L. 91-376 provided that: "The first two sections of this Act [amending this section and section 315 [now 1115] of this title and enacting provision set out as a note under this section] take effect July 1, 1970. Sections 4, 5, 6, and 7 [amending sections 103, 3010 [now 5110], and 3104 [now 5304] of this title, and enacting provision set out as a note under section 103 of this title] take effect January 1, 1971."

EFFECTIVE DATE OF 1968 AMENDMENT

Section 2 of Pub. L. 90-493 provided that: "The compensation payable pursuant to the amendments made by this Act [amending this section] shall be payable beginning with the first day of January 1969."

Section 4(b) of Pub. L. 90-493 provided that: "The repeals made by subsection (a) of this section [repealing subsec. (q) of this section and section 356 of this title] shall not apply in the case of any veteran who, on the date of enactment of this Act [Aug. 19, 1968], was receiving or entitled to receive compensation for tuberculosis which in the judgment of the Administrator had reached a condition of complete arrest."

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90-77 effective first day of first calendar month which begins more than ten days after Aug. 31, 1967, see section 405 of Pub. L. 90-77, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1965 AMENDMENT

Section 9 of Pub. L. 89-311 provided that: "The amendments made by the first section and sections 2, 3, and 4 of this Act [amending this section and sections 101, 315 [now 1115], 360 [now 1160], 414 [now 1314], and 560 [now 1560] of this title and enacting provisions set out as a note under this section] shall take effect on the first day of the second calendar month following the date of enactment of this Act [Oct. 31, 1965]."

EFFECTIVE DATE OF 1963 AMENDMENTS

Section 2 of Pub. L. 88-22 provided that: "The amendments made by this Act [amending this section] shall take effect on the first day of the second calendar month which begins after the date of enactment of this Act [May 15, 1963]."

Section 2 of Pub. L. 88-20 provided that: "The amendments made by this Act [amending this section] shall take effect on the first day of the second month which begins after the date of its enactment [May 15, 1963]."

EFFECTIVE DATE OF 1962 AMENDMENT

Amendment by Pub. L. 87-645 effective first day of first calendar month which begins after Sept. 7, 1962, see section 4 of Pub. L. 87-645, set out as a note under section 1112 of this title.

EFFECTIVE DATE OF 1960 AMENDMENT

Section 2 of Pub. L. 86-663 provided that: "This Act [amending this section] shall be effective on and after the first day of the second calendar month following the date of its enactment [July 14, 1960]."

EFFECTIVE DATE OF 1958 AMENDMENT

Section 2 of Pub. L. 85-782 provided that the amendment made by that section is effective Jan. 1, 1959.

REPEAL OF TEMPORARY CHANGES IN FISCAL YEAR 1983 COMPENSATION

Section 405 of Pub. L. 97-253 [amending this section and sections 315, 362, 411, 413, and 414 [now 1115, 1162, 1311, 1313, and 1314] of this title and enacting provisions set out as notes under this section] was repealed by Pub. L. 97-306, title I, §107, Oct. 14, 1982, 96 Stat. 1431. Section 405 of Pub. L. 97-253 had amended those sections relating to compensation to be effective Jan. 1, 1983, in contemplation of the later enactment of a law providing for cost-of-living increases for fiscal year 1983, with the intent that the increases provided for under section 405 of Pub. L. 97-253 be superseded by increases provided for in the later law. Pub. L. 97-306 provided for the anticipated increases and repealed section 405 of Pub. L. 97-253.

DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION RATE AND LIMITATION INCREASES

Pub. L. 104-263, §2(a), (c), Oct. 9, 1996, 110 Stat. 3212, provided that:

"(a) IN GENERAL.—(1) The Secretary of Veterans Affairs shall, as provided in paragraph (2), increase, effective December 1, 1996, the rates of and limitations on Department of Veterans Affairs disability compensation and dependency and indemnity compensation.

"(2) The Secretary shall increase each of the rates and limitations in sections 1114, 1115(1), 1162, 1311, 1313, and 1314 of title 38, United States Code, that were increased by the amendments made by the Veterans' Compensation Cost-of-Living Adjustment Act of 1995 (Public Law 104-57; 109 Stat. 555). This increase shall be made in such rates and limitations as in effect on November 30, 1996, and shall be by the same percentage that benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 1996, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

"(c) PUBLICATION REQUIREMENT.—At the same time as the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 1996, the Secretary shall publish in the Federal Register the rates and limitations referred to in subsection (a)(2) as increased under this section."

Similar provisions were contained in the following acts:

Pub. L. 104-57, §§2(a)-(c), 3, Nov. 22, 1995, 109 Stat. 555, 556.

Pub. L. 103-418, §§2(a)-(c), 3, Oct. 25, 1994, 108 Stat. 4336, 4337.

Pub. L. 102-510, §2(a), (c), Oct. 24, 1992, 106 Stat. 3318, 3319.

ADMINISTRATIVE ADJUSTMENT OF DISABILITY RATES OF CERTAIN PERSONS NOT COVERED BY THIS CHAPTER

Pub. L. 104-263, §2(b), Oct. 9, 1996, 110 Stat. 3212, provided that: "The Secretary may adjust administratively, consistent with the increases made under subsection (a)(2) [set out above], the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85-857 (72 Stat. 1263) [set out as a note preceding section 101 of this title] who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code."

Similar provisions were contained in the following acts:

Pub. L. 104-57, §2(d), Nov. 22, 1995, 109 Stat. 556.
 Pub. L. 103-418, §2(d), Oct. 25, 1994, 108 Stat. 4337.
 Pub. L. 102-510, §2(b), Oct. 24, 1992, 106 Stat. 3318.
 Pub. L. 102-152, §2(b), Nov. 12, 1991, 105 Stat. 986.
 Pub. L. 102-3, §2(b), Feb. 6, 1991, 105 Stat. 8.
 Pub. L. 101-237, title I, §101(b), Dec. 18, 1989, 103 Stat. 2063.
 Pub. L. 100-687, div. B, title XI, §1101(b), Nov. 18, 1988, 102 Stat. 4123.
 Pub. L. 100-227, title I, §101(b), Dec. 31, 1987, 101 Stat. 1553.
 Pub. L. 99-576, title I, §101(b), Oct. 28, 1986, 100 Stat. 3251.
 Pub. L. 99-238, title I, §101(b), Jan. 13, 1986, 99 Stat. 1766.
 Pub. L. 98-543, title I, §101(b), Oct. 24, 1984, 98 Stat. 2736.
 Pub. L. 98-223, title I, §101(b), Mar. 2, 1984, 98 Stat. 38.
 Pub. L. 97-306, title I, §101(b), Oct. 14, 1982, 96 Stat. 1430.
 Pub. L. 97-66, title I, §101(b), Oct. 17, 1981, 95 Stat. 1027.
 Pub. L. 96-385, title I, §101(b), Oct. 7, 1980, 94 Stat. 1529.
 Pub. L. 96-128, title I, §101(b), Nov. 28, 1979, 93 Stat. 983.
 Pub. L. 95-479, title I, §101(e), Oct. 18, 1978, 92 Stat. 1562.
 Pub. L. 95-117, title I, §101(b), Oct. 3, 1977, 91 Stat. 1063.
 Pub. L. 94-433, title I, §101(b), Sept. 30, 1976, 90 Stat. 1374.
 Pub. L. 94-71, title I, §101(b), Aug. 5, 1975, 89 Stat. 395.
 Pub. L. 93-295, title I, §101(b), May 31, 1974, 88 Stat. 181.
 Pub. L. 92-328, title I, §101(b), June 30, 1972, 86 Stat. 393.
 Pub. L. 91-376, §1(b), Aug. 12, 1970, 84 Stat. 788.
 Pub. L. 90-493, §1(b), Aug. 19, 1968, 82 Stat. 809.
 Pub. L. 89-311, §1(b), Oct. 31, 1965, 79 Stat. 1154.
 Pub. L. 87-645, §1(b), Sept. 7, 1962, 76 Stat. 441.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1115, 1134, 1717, 3108, 5313, 5503 of this title.

§ 1115. Additional compensation for dependents

Any veteran entitled to compensation at the rates provided in section 1114 of this title, and whose disability is rated not less than 30 percent, shall be entitled to additional compensation for dependents in the following monthly amounts:

- (1) If and while rated totally disabled and—
 - (A) has a spouse but no child, \$105;
 - (B) has a spouse and one or more children, \$178 plus \$55 for each child in excess of one;
 - (C) has no spouse but one or more children, \$72 plus \$55 for each child in excess of one;
 - (D) has a parent dependent upon such veteran for support, then, in addition to the above amounts, \$84 for each parent so dependent;
 - (E) notwithstanding the other provisions of this paragraph, the monthly payable amount on account of a spouse who is (i) a patient in a nursing home or (ii) helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person, shall be \$195 for a totally disabled veteran and proportionate amounts for partially disabled veterans in accordance with paragraph (2) of this section; and
 - (F) notwithstanding the other provisions of this paragraph, the monthly amount pay-

able on account of each child who has attained the age of eighteen years and who is pursuing a course of instruction at an approved educational institution shall be \$164 for a totally disabled veteran and proportionate amounts for partially disabled veterans in accordance with paragraph (2) of this section.

(2) If and while rated partially disabled, but not less than 30 percent, in an amount having the same ratio to the amount specified in paragraph (1) of this section as the degree of disability bears to total disability. The amounts payable under this paragraph, if not a multiple of \$1, shall be rounded down to the nearest dollar.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1121, §315; Pub. L. 86-499, §1, June 8, 1960, 74 Stat. 165; Pub. L. 89-137, §1(b), Aug. 26, 1965, 79 Stat. 576; Pub. L. 89-311, §2(a), (b), Oct. 31, 1965, 79 Stat. 1154, 1155; Pub. L. 91-376, §2, Aug. 12, 1970, 84 Stat. 788; Pub. L. 92-328, title I, §102, June 30, 1972, 86 Stat. 394; Pub. L. 93-295, title I, §102, May 31, 1974, 88 Stat. 181; Pub. L. 94-71, title I, §102, Aug. 5, 1975, 89 Stat. 396; Pub. L. 94-433, title I, §102, title IV, §404(9)-(11), Sept. 30, 1976, 90 Stat. 1375, 1378; Pub. L. 95-117, title I, §102, Oct. 3, 1977, 91 Stat. 1064; Pub. L. 95-479, title I, §102, Oct. 18, 1978, 92 Stat. 1562; Pub. L. 96-128, title I, §102, Nov. 28, 1979, 93 Stat. 983; Pub. L. 96-385, title I, §102, Oct. 7, 1980, 94 Stat. 1529; Pub. L. 97-66, title I, §102, Oct. 17, 1981, 95 Stat. 1027; Pub. L. 97-253, title IV, §§404(b), 405(c), Sept. 8, 1982, 96 Stat. 803; Pub. L. 97-306, title I, §§102, 107, Oct. 14, 1982, 96 Stat. 1430, 1431; Pub. L. 98-223, title I, §102, Mar. 2, 1984, 98 Stat. 38; Pub. L. 98-543, title I, §102, Oct. 24, 1984, 98 Stat. 2736; Pub. L. 99-238, title I, §102, Jan. 13, 1986, 99 Stat. 1766; Pub. L. 99-576, title I, §102, Oct. 28, 1986, 100 Stat. 3251; Pub. L. 100-227, title I, §102, Dec. 31, 1987, 101 Stat. 1553; Pub. L. 100-687, div. B, title XI, §1102, Nov. 18, 1988, 102 Stat. 4123; Pub. L. 101-237, title I, §102, Dec. 18, 1989, 103 Stat. 2063; Pub. L. 102-3, §3, Feb. 6, 1991, 105 Stat. 8; renumbered §1115 and amended Pub. L. 102-83, §5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 102-152, §3, Nov. 12, 1991, 105 Stat. 986; Pub. L. 103-78, §2, Aug. 13, 1993, 107 Stat. 768; Pub. L. 103-140, §3, Nov. 11, 1993, 107 Stat. 1486.)

AMENDMENTS

1993—Par. (1)(A). Pub. L. 103-140, §3(1), substituted “\$105” for “\$103”.
 Pub. L. 103-78, §2(1), substituted “\$103” for “\$100”.
 Par. (1)(B). Pub. L. 103-140, §3(2), substituted “\$178” for “\$174” and “\$55” for “\$54”.
 Pub. L. 103-78, §2(2), substituted “\$174” for “\$169” and “\$54” for “\$52”.
 Par. (1)(C). Pub. L. 103-140, §3(3), substituted “\$72” for “\$71” and “\$55” for “\$54”.
 Pub. L. 103-78, §2(3), substituted “\$71” for “\$69” and “\$54” for “\$52”.
 Par. (1)(D). Pub. L. 103-140, §3(4), substituted “\$84” for “\$82”.
 Pub. L. 103-78, §2(4), substituted “\$82” for “\$80”.
 Par. (1)(E). Pub. L. 103-140, §3(5), substituted “\$195” for “\$191”.
 Pub. L. 103-78, §2(5), substituted “\$191” for “\$185”.
 Par. (1)(F). Pub. L. 103-140, §3(6), substituted “\$164” for “\$160”.
 Pub. L. 103-78, §2(6), substituted “\$160” for “\$155”.
 1991—Pub. L. 102-83, §5(a), renumbered section 315 of this title as this section.
 Pub. L. 102-83, §5(c)(1), substituted “1114” for “314” in introductory provisions.

Par. (1)(A). Pub. L. 102-152, §3(1), substituted "\$100" for "\$96".

Pub. L. 102-3, §3(1), substituted "\$96" for "\$92".

Par. (1)(B). Pub. L. 102-152, §3(2), substituted "\$169" for "\$163" and "\$52" for "\$50".

Pub. L. 102-3, §3(2), substituted "\$163" for "\$155" and "\$50" for "\$48".

Par. (1)(C). Pub. L. 102-152, §3(3), substituted "\$69" for "\$67" and "\$52" for "\$50".

Pub. L. 102-3, §3(3), substituted "\$67" for "\$64" and "\$50" for "\$48".

Par. (1)(D). Pub. L. 102-152, §3(4), substituted "\$80" for "\$77".

Pub. L. 102-3, §3(4), substituted "\$77" for "\$74".

Par. (1)(E). Pub. L. 102-152, §3(5), substituted "\$185" for "\$178".

Pub. L. 102-3, §3(5), substituted "\$178" for "\$169".

Par. (1)(F). Pub. L. 102-152, §3(6), substituted "\$155" for "\$149".

Pub. L. 102-3, §3(6), substituted "\$149" for "\$142".

1989—Par. (1)(A). Pub. L. 101-237, §102(1), substituted "\$92" for "\$88".

Par. (1)(B). Pub. L. 101-237, §102(2), substituted "\$155" and "\$48" for "\$148" and "\$46", respectively.

Par. (1)(C). Pub. L. 101-237, §102(3), substituted "\$64" and "\$48" for "\$61" and "\$46", respectively.

Par. (1)(D). Pub. L. 101-237, §102(4), substituted "\$74" for "\$71".

Par. (1)(E). Pub. L. 101-237, §102(5), substituted "\$169" for "\$161".

Par. (1)(F). Pub. L. 101-237, §102(6), substituted "\$142" for "\$136".

1988—Par. (1)(A). Pub. L. 100-687, §1102(1), substituted "\$88" for "\$85".

Par. (1)(B). Pub. L. 100-687, §1102(2), substituted "\$148" and "\$46" for "\$143" and "\$45", respectively.

Par. (1)(C). Pub. L. 100-687, §1102(3), substituted "\$61" and "\$46" for "\$59" and "\$45", respectively.

Par. (1)(D). Pub. L. 100-687, §1102(4), substituted "\$71" for "\$69".

Par. (1)(E). Pub. L. 100-687, §1102(5), substituted "\$161" for "\$155".

Par. (1)(F). Pub. L. 100-687, §1102(6), substituted "\$136" for "\$131".

1987—Par. (1)(A). Pub. L. 100-227, §102(1), substituted "\$85" for "\$82".

Par. (1)(B). Pub. L. 100-227, §102(2), substituted "\$143" and "\$45" for "\$138" and "\$44", respectively.

Par. (1)(C). Pub. L. 100-227, §102(3), substituted "\$59" and "\$45" for "\$57" and "\$44", respectively.

Par. (1)(D). Pub. L. 100-227, §102(4), substituted "\$69" for "\$67".

Par. (1)(E). Pub. L. 100-227, §102(5), substituted "\$155" for "\$149".

Par. (1)(F). Pub. L. 100-227, §102(6), substituted "\$131" for "\$126".

1986—Par. (1)(A). Pub. L. 99-576, §102(1), substituted "\$82" for "\$81".

Pub. L. 99-238, §102(1), substituted "\$81" for "\$79".

Par. (1)(B). Pub. L. 99-576, §102(2), substituted "\$138" and "\$44" for "\$136" and "\$43", respectively.

Pub. L. 99-238, §102(2), substituted "\$136" and "\$43" for "\$132" and "\$42", respectively.

Par. (1)(C). Pub. L. 99-576, §102(3), substituted "\$57" and "\$44" for "\$56" and "\$43", respectively.

Pub. L. 99-238, §102(3), substituted "\$56" and "\$43" for "\$54" and "\$42", respectively.

Par. (1)(D). Pub. L. 99-576, §102(4), substituted "\$67" for "\$66".

Pub. L. 99-238, §102(4), substituted "\$66" for "\$64".

Par. (1)(E). Pub. L. 99-576, §102(5), substituted "\$149" for "\$147".

Pub. L. 99-238, §102(5), substituted "\$147" for "\$143".

Par. (1)(F). Pub. L. 99-576, §102(6), substituted "\$126" for "\$124".

Pub. L. 99-238, §102(6), substituted "\$124" for "\$120".

1984—Pub. L. 98-223, §102(b), substituted "percent" for "per centum" in provision preceding par. (1).

Par. (1)(A). Pub. L. 98-543, §102(1), substituted "\$79" for "\$77".

Pub. L. 98-223, §102(a)(1), substituted "\$77" for "\$74".

Par. (1)(B). Pub. L. 98-543, §102(2), substituted "\$132" and "\$42" for "\$128" and "\$41", respectively.

Pub. L. 98-223, §102(a)(2), substituted "\$128" and "\$41" for "\$124" and "\$40", respectively.

Par. (1)(C). Pub. L. 98-543, §102(3), substituted "\$54" and "\$42" for "\$52" and "\$41", respectively.

Pub. L. 98-223, §102(a)(3), substituted "\$52" and "\$41" for "\$50" and "\$40", respectively.

Par. (1)(D). Pub. L. 98-543, §102(4), substituted "\$64" for "\$62".

Pub. L. 98-223, §102(a)(4), substituted "\$62" for "\$60".

Par. (1)(E). Pub. L. 98-543, §102(5), substituted "\$143" for "\$139".

Pub. L. 98-223, §102(a)(5), substituted "\$139" for "\$134".

Par. (1)(F). Pub. L. 98-543, §102(6), substituted "\$120" for "\$116".

Pub. L. 98-223, §102(a)(6), substituted "\$116" for "\$112".

Par. (2). Pub. L. 98-223, §102(b), substituted "percent" for "per centum".

1982—Par. (1)(A). Pub. L. 97-306, §102(1), added subpar. (A) and struck out former subpar. (A) which provided \$69 for a veteran with a spouse but no child living.

Par. (1)(B). Pub. L. 97-306, §§102(1), 107, 108, added subpar. (B), repealed amendment made by Pub. L. 97-253, §405(c)(1), eff. Oct. 1, 1982, and struck out former subpar. (B) which provided \$116 for a veteran with a spouse and one child living.

Pub. L. 97-253, §405(c)(1), (h), eff. Jan. 1, 1983, substituted "\$115" for "\$116".

Par. (1)(C). Pub. L. 97-306, §102(1), added subpar. (C) and struck out former subpar. (C) which provided \$153 for a veteran with a spouse and two children living.

Par. (1)(D). Pub. L. 97-306, §§102(1)–(3), 107, 108, redesignated subpar. (H) as (D), in subpar. (D) as so redesignated, substituted "\$60" for "\$56", struck out former subpar. (D) which provided \$192 for a veteran with a spouse and three or more children living (plus \$38 for each living child in excess of three), and repealed amendment made by Pub. L. 97-253, §405(c)(2), eff. Oct. 1, 1982.

Pub. L. 97-253, §405(c)(2), (h), eff. Jan. 1, 1983, substituted "\$37" for "\$38" after "plus".

Par. (1)(E). Pub. L. 97-306, §102(1), (2), (4), redesignated subpar. (I) as (E), substituted "\$134" for "\$125", and struck out former subpar. (E) which provided \$47 for a veteran with no spouse but one child living.

Par. (1)(F). Pub. L. 97-306, §102(1), (2), (5), redesignated subpar. (J) as (F), substituted "\$112" for "\$105", and struck out former subpar. (F) which provided \$86 for a veteran with no spouse but two children living.

Par. (1)(G). Pub. L. 97-306, §§102(1), 107, 108, struck out subpar. (G) which provided \$123 for a veteran with no spouse but three or more children living (plus \$38 for each living child in excess of three), and repealed amendment made by Pub. L. 97-253, §405(c)(3), eff. Oct. 1, 1982.

Pub. L. 97-253, §405(c)(3), (h), eff. Jan. 1, 1983, substituted "\$37" for "\$38" after "plus".

Par. (1)(H) to (J). Pub. L. 97-306, §102(2), redesignated subpars. (H), (I), and (J) as (D), (E), and (F), respectively.

Par. (2). Pub. L. 97-253, §404(b), substituted provisions that the amounts payable under this paragraph, if not a multiple of \$1, be rounded down to the nearest dollar for provisions that such amounts would be adjusted upward or downward to the nearest dollar, counting fifty cents and over as a whole dollar.

1981—Par. (1)(A) to (J). Pub. L. 97-66 increased compensation figures as follows: in subpar. (A) from \$62 to \$69, in subpar. (B) from \$104 to \$116, in subpar. (C) from \$138 to \$153, in subpar. (D) from \$173 to \$192 and from \$34 to \$38, in subpar. (E) from \$42 to \$47, in subpar. (F) from \$77 to \$86, in subpar. (G) from \$111 to \$123 and from \$34 to \$38, in subpar. (H) from \$50 to \$56, in subpar. (I) from \$112 to \$125, and in subpar. (J) from \$94 to \$105.

1980—Par. (1)(A) to (J). Pub. L. 96-385, §102(1)–(10), increased additional compensation in subpar. (A) from \$54

to \$62, in subpar. (B) from \$91 to \$104, in subpar. (C) from \$121 to \$138, in subpar. (D) from \$151 and \$30 to \$173 and \$34, respectively, in subpar. (E) from \$37 to \$42, in subpar. (F) from \$67 to \$77, in subpar. (G) from \$97 and \$30 to \$111 and \$34, respectively, in subpar. (H) from \$44 to \$50, in subpar. (I) from \$98 to \$112, and in subpar. (J) from \$82 to \$94.

1979—Par. (1)(A) to (H). Pub. L. 96-128, § 102(a)(1)–(8), increased additional compensation in subpar. (A) from \$49 to \$54, in subpar. (B) from \$83 to \$91, in subpar. (C) from \$110 to \$121, in subpar. (D) from \$137 and \$27 to \$151 and \$30, respectively, in subpar. (E) from \$34 to \$37, in subpar. (F) from \$61 to \$67, in subpar. (G) from \$88 and \$27 to \$97 and \$30, respectively, and in subpar. (H) from \$40 to \$44.

Par. (1)(I). Pub. L. 96-128, § 102(a)(9), (b)(1)(A), substituted “paragraph” for “subsection”, “(i)” for “(1)”, “(ii)” for “(2)”, “\$98” for “\$89”, and “section” for “subsection”.

Par. (1)(J). Pub. L. 96-128, § 102(a)(10), (b)(1)(B), substituted “paragraph” for “subsection”, “\$82” for “\$75”, and “section” for “subsection”.

Par. (2). Pub. L. 96-128, § 102(b)(2), inserted “of this section” after “(1)”.

1978—Pub. L. 95-479, § 102(b), substituted “30 per centum” for “50 per centum” in provisions preceding par. (1).

Par. (1). Pub. L. 95-479, § 102(a), substituted \$49 for \$46 in subpar. (A), \$83 for \$77 in subpar. (B), \$110 for \$98 in subpar. (C), \$137 and \$27 for \$120 and \$22, respectively, in subpar. (D), \$34 for \$30 in subpar. (E), \$61 for \$52 in subpar. (F), \$88 and \$27 for \$77 and \$22, respectively, in subpar. (G), \$40 for \$37 in subpar. (H), \$89 for \$83 in subpar. (I), and \$75 for \$70 in subpar. (J).

Par. (2). Pub. L. 95-479, § 102(b), substituted “30 per centum” for “50 per centum”.

1977—Par. (1). Pub. L. 95-117 substituted \$46 for \$43 in subpar. (A), \$77 for \$72 in subpar. (B), \$98 for \$92 in subpar. (C), \$120 and \$22 for \$113 and \$21, respectively, in subpar. (D), \$30 for \$28 in subpar. (E), \$52 for \$49 in subpar. (F), \$77 and \$22 for \$72 and \$21, respectively, in subpar. (G), \$37 for \$35 in subpar. (H), \$83 for \$78 in subpar. (I), and \$70 for \$66 in subpar. (J).

1976—Par. (1). Pub. L. 94-433, § 102, substituted \$43 for \$40 in subpar. (A), \$72 for \$67 in subpar. (B), \$92 for \$85 in subpar. (C), \$113 and \$21 for \$105 and \$19, respectively, in subpar. (D), \$28 for \$26 in subpar. (E), \$49 for \$45 in subpar. (F), \$72 and \$21 for \$67 and \$19, respectively, in subpar. (G), \$35 for \$32 in subpar. (H), added subpar. (I), and substituted \$66 for \$61 in subpar. (J), formerly (I), but redesignated (J).

Pub. L. 94-433, §§ 404(9), (10), substituted “spouse” for “wife” in subpars. (A) through (G) and “parent dependent upon such veteran” for “mother or father, either or both dependent upon him” in subpar. (H).

Par. (2). Pub. L. 94-433, § 404(11), struck out “his” before “disability bears”.

1975—Par. (1). Pub. L. 94-71 substituted \$40 for \$36 in subpar. (A), \$67 for \$61 in subpar. (B), \$85 for \$77 in subpar. (C), \$105 and \$19 for \$95 and \$17, respectively, in subpar. (D), \$26 for \$24 in subpar. (E), \$45 for \$41 in subpar. (F), \$67 and \$19 for \$61 and \$17, respectively, in subpar. (G), \$32 for \$29 in subpar. (H) and \$61 for \$55 in subpar. (I).

1974—Par. (1). Pub. L. 93-295 substituted \$36 for \$31 in subpar. (A), \$61 for \$53 in subpar. (B), \$77 for \$67 in subpar. (C), \$95 and \$17 for \$83 and \$15, respectively, in subpar. (D), \$24 for \$21 in subpar. (E), \$41 for \$36 in subpar. (F), \$61 and \$17 for \$53 and \$15, respectively, in subpar. (G), \$29 for \$25 in subpar. (H), and \$55 for \$48 in subpar. (I).

1972—Par. (1). Pub. L. 92-328 substituted \$31 for \$28 in subpar. (A), \$53 for \$48 in subpar. (B), \$67 for \$61 in subpar. (C), \$83 and \$15 for \$75 and \$14, respectively, in subpar. (D), \$21 for \$19 in subpar. (E), \$36 for \$33 in subpar. (F), \$53 and \$15 for \$48 and \$14, respectively, in subpar. (G), \$25 for \$23 in subpar. (H), and \$48 for \$44 in subpar. (I).

1970—Par. (1). Pub. L. 91-376 substituted \$28 for \$25 in subpar. (A), \$48 for \$43 in subpar. (B), \$61 for \$55 in sub-

par. (C), \$75 and \$14 for \$68 and \$13, respectively, in subpar. (D), \$19 for \$17 in subpar. (E), \$33 for \$30 in subpar. (F), \$48 and \$14 for \$43 and \$13, respectively, in subpar. (G), \$23 for \$21 in subpar. (H), and \$44 for \$40 in subpar. (I).

1965—Par. (1). Pub. L. 89-311 substituted \$25 for \$23 in subpar. (A), \$43 for \$39 in subpar. (B), \$55 for \$50 in subpar. (C), \$68 and \$13 for \$62 and \$12 respectively in subpar. (D), \$17 for \$15 in subpar. (E), \$30 for \$27 in subpar. (F), \$43 and \$13 for \$39 and \$12 respectively in subpar. (G), and \$21 for \$19 in subpar. (H), and added subpar. (I).

Pub. L. 89-137 struck out subsec. (b) which prohibited payment of the additional compensation to any veteran during any period he is in receipt of an increased rate of subsistence allowance or education and training allowance on account of a dependent or dependents, and redesignated subsec. (a) as entire section.

1960—Subsec. (a). Pub. L. 86-499 authorized payment of \$12 for each living child in excess of three.

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103-140 effective Dec. 1, 1993, see section 7 of Pub. L. 103-140, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1991 AMENDMENTS

Amendment by Pub. L. 102-152 effective Dec. 1, 1991, see section 7 of Pub. L. 102-152, set out as a note under section 1114 of this title.

Amendment by Pub. L. 102-3 effective Jan. 1, 1991, see section 7 of Pub. L. 102-3, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1989 AMENDMENT

Amendment by Pub. L. 101-237 effective Dec. 1, 1989, see section 106 of Pub. L. 101-237, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-687 effective Dec. 1, 1988, see section 1106 of Pub. L. 100-687, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1987 AMENDMENT

Amendment by Pub. L. 100-227 effective Dec. 1, 1987, see section 107 of Pub. L. 100-227, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1986 AMENDMENTS

Amendment by Pub. L. 99-576 effective Dec. 1, 1986, but not effective unless benefit amounts payable under section 401 et seq. of Title 42, The Public Health and Welfare, are increased effective Dec. 1, 1986, as a result of a determination under section 415(i) of Title 42, see section 107 of Pub. L. 99-576, set out as a note under section 1114 of this title.

Amendment by Pub. L. 99-238 effective Dec. 1, 1985, see section 107 of Pub. L. 99-238, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1984 AMENDMENTS

Amendment by Pub. L. 98-543 effective Dec. 1, 1984, see section 107 of Pub. L. 98-543, set out as a note under section 1114 of this title.

Amendment by Pub. L. 98-223 effective Apr. 1, 1984, see section 107 of Pub. L. 98-223, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1982 AMENDMENTS

Amendments by section 102 of Pub. L. 97-306 effective Oct. 1, 1982, see section 108 of Pub. L. 97-306, set out as a note under section 1114 of this title.

Amendment by section 404(b) of Pub. L. 97-253 effective Oct. 1, 1982, see section 404(c) of Pub. L. 97-253, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-66 effective Oct. 1, 1981, see section 701(a) of Pub. L. 97-66, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-385 applicable only to payments for months beginning after Sept. 30, 1980, see section 601(a) of Pub. L. 96-385, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-128 effective Oct. 1, 1979, see section 601(a)(1) of Pub. L. 96-128, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-479 effective Oct. 1, 1978, see section 401(a) of Pub. L. 95-479, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-117 effective Oct. 1, 1977, see section 501 of Pub. L. 95-117, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-433 effective Oct. 1, 1976, see section 406 of Pub. L. 94-433, set out as a note under section 1101 of this title.

EFFECTIVE DATE OF 1975 AMENDMENT

Amendment by Pub. L. 94-71 effective Aug. 1, 1975, see section 301 of Pub. L. 94-71, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93-295 effective May 1, 1974, see section 401 of Pub. L. 93-295, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92-328 effective first day of second calendar month which begins after June 30, 1972, see section 301(a) of Pub. L. 92-328, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-376 effective July 1, 1970, see section 9 of Pub. L. 91-376, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1965 AMENDMENTS

Amendment by Pub. L. 89-311 effective first day of second calendar month following Oct. 31, 1965, see section 9 of Pub. L. 89-311, set out as a note under section 1114 of this title.

Section 2 of Pub. L. 89-137 provided that: "The foregoing provisions of this Act [amending this section and former section 1504 of this title] shall become effective on the first day of the second calendar month which begins following the date of enactment of this Act [Aug. 26, 1965]."

EFFECTIVE DATE OF 1960 AMENDMENT

Section 2 of Pub. L. 86-499 provided that: "The amendments made by this Act [amending this section] shall take effect on the first day of the second calendar month which begins after the date of enactment of this Act [June 8, 1960]."

REPEAL

Section 405(c) of Pub. L. 97-253, cited as a credit to this section, was repealed by Pub. L. 97-306, §§ 107, 108, Oct. 14, 1982, 96 Stat. 1431, 1432, eff. Oct. 1, 1982.

SAVINGS PROVISION

Section 1(c) of Pub. L. 89-137 provided that: "Any veteran-trainee receiving subsistence allowance on the date of the enactment of this Act [Aug. 26, 1965] while pursuing a course of vocational rehabilitation author-

ized by chapter 31 of title 38, United States Code [former section 1501 et seq. of this title], shall not have such allowance reduced by reason of the amendments contained in such Act [amending this section and former section 1504 of this title]."

DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION RATE INCREASES

For increases in rates and limitations on Department of Veterans Affairs disability compensation and dependency and indemnity compensation, see notes set out under section 1114 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1135 of this title.

§ 1116. Presumptions of service connection for diseases associated with exposure to certain herbicide agents

(a)(1) For the purposes of section 1110 of this title, and subject to section 1113 of this title—

(A) a disease specified in paragraph (2) of this subsection becoming manifest as specified in that paragraph in a veteran who, during active military, naval, or air service, served in the Republic of Vietnam during the period beginning on January 9, 1962, and ending on May 7, 1975; and

(B) each additional disease (if any) that (i) the Secretary determines in regulations prescribed under this section warrants a presumption of service-connection by reason of having positive association with exposure to an herbicide agent, and (ii) becomes manifest within the period (if any) prescribed in such regulations in a veteran who, during active military, naval, or air service, served in the Republic of Vietnam during the period beginning on January 9, 1962, and ending on May 7, 1975, and while so serving was exposed to that herbicide agent,

shall be considered to have been incurred in or aggravated by such service, notwithstanding that there is no record of evidence of such disease during the period of such service.

(2) The diseases referred to in paragraph (1)(A) of this subsection are the following:

(A) Non-Hodgkin's lymphoma becoming manifest to a degree of disability of 10 percent or more.

(B) Each soft-tissue sarcoma becoming manifest to a degree of disability of 10 percent or more other than osteosarcoma, chondrosarcoma, Kaposi's sarcoma, or mesothelioma.

(C) Chloracne or another acneform disease consistent with chloracne becoming manifest to a degree of disability of 10 percent or more within one year after the last date on which the veteran performed active military, naval, or air service in the Republic of Vietnam during the period beginning on January 9, 1962, and ending on May 7, 1975.

(D) Hodgkin's disease becoming manifest to a degree of disability of 10 percent or more.

(E) Porphyria cutanea tarda becoming manifest to a degree of disability of 10 percent or more within a year after the last date on which the veteran performed active military, naval, or air service in the Republic of Vietnam during the period beginning on January 9, 1962, and ending on May 7, 1975.

(F) Respiratory cancers (cancer of the lung, bronchus, larynx, or trachea) becoming manifest to a degree¹ of 10 percent or more within 30 years after the last date on which the veteran performed active military, naval, or air service in the Republic of Vietnam during the period beginning on January 9, 1962, and ending on May 7, 1975.

(G) Multiple myeloma becoming manifest to a degree of disability of 10 percent or more.

(3) For the purposes of this subsection, a veteran who, during active military, naval, or air service, served in the Republic of Vietnam during the period beginning on January 9, 1962, and ending on May 7, 1975, and has a disease referred to in paragraph (1)(B) of this subsection shall be presumed to have been exposed during such service to an herbicide agent containing dioxin or 2,4-dichlorophenoxyacetic acid, and may be presumed to have been exposed during such service to any other chemical compound in an herbicide agent, unless there is affirmative evidence to establish that the veteran was not exposed to any such agent during that service.

(4) For purposes of this section, the term "herbicide agent" means a chemical in an herbicide used in support of the United States and allied military operations in the Republic of Vietnam during the period beginning on January 9, 1962, and ending on May 7, 1975.

(b)(1) Whenever the Secretary determines, on the basis of sound medical and scientific evidence, that a positive association exists between (A) the exposure of humans to an herbicide agent, and (B) the occurrence of a disease in humans, the Secretary shall prescribe regulations providing that a presumption of service connection is warranted for that disease for the purposes of this section.

(2) In making determinations for the purpose of this subsection, the Secretary shall take into account (A) reports received by the Secretary from the National Academy of Sciences under section 3 of the Agent Orange Act of 1991, and (B) all other sound medical and scientific information and analyses available to the Secretary. In evaluating any study for the purpose of making such determinations, the Secretary shall take into consideration whether the results are statistically significant, are capable of replication, and withstand peer review.

(3) An association between the occurrence of a disease in humans and exposure to an herbicide agent shall be considered to be positive for the purposes of this section if the credible evidence for the association is equal to or outweighs the credible evidence against the association.

(c)(1)(A) Not later than 60 days after the date on which the Secretary receives a report from the National Academy of Sciences under section 3 of the Agent Orange Act of 1991, the Secretary shall determine whether a presumption of service connection is warranted for each disease covered by the report. If the Secretary determines that such a presumption is warranted, the Secretary, not later than 60 days after making the determination, shall issue proposed regulations setting forth the Secretary's determination.

(B) If the Secretary determines that a presumption of service connection is not warranted, the Secretary, not later than 60 days after making the determination, shall publish in the Federal Register a notice of that determination. The notice shall include an explanation of the scientific basis for that determination. If the disease already is included in regulations providing for a presumption of service connection, the Secretary, not later than 60 days after publication of the notice of a determination that the presumption is not warranted, shall issue proposed regulations removing the presumption for the disease.

(2) Not later than 90 days after the date on which the Secretary issues any proposed regulations under this subsection, the Secretary shall issue final regulations. Such regulations shall be effective on the date of issuance.

(d) Whenever a disease is removed from regulations prescribed under this section—

(1) a veteran who was awarded compensation for such disease on the basis of the presumption provided in subsection (a) before the effective date of the removal shall continue to be entitled to receive compensation on that basis; and

(2) a survivor of a veteran who was awarded dependency and indemnity compensation for the death of a veteran resulting from such disease on the basis of such presumption shall continue to be entitled to receive dependency and indemnity compensation on such basis.

(e) Subsections (b) through (d) shall cease to be effective 10 years after the first day of the fiscal year in which the National Academy of Sciences transmits to the Secretary the first report under section 3 of the Agent Orange Act of 1991.

(Added Pub. L. 102-4, §2(a)(1), Feb. 6, 1991, 105 Stat. 11, §316; renumbered §1116 and amended Pub. L. 102-83, §5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 103-446, title V, §505, title XII, §1201(e)(6), Nov. 2, 1994, 108 Stat. 4664, 4685; Pub. L. 104-275, title V, §505(b), Oct. 9, 1996, 110 Stat. 3342.)

REFERENCES IN TEXT

Section 3 of the Agent Orange Act of 1991, referred to in subsecs. (b)(2), (c)(1)(A), and (e), is section 3 of Pub. L. 102-4, which is set out below.

AMENDMENTS

1996—Subsec. (a)(1)(A). Pub. L. 104-275, §505(b)(2), substituted "during the period beginning on January 9, 1962, and ending on May 7, 1975" for "during the Vietnam era".

Subsec. (a)(1)(B). Pub. L. 104-275, §505(b)(1), substituted "during the period beginning on January 9, 1962, and ending on May 7, 1975," for "during the Vietnam era".

Subsec. (a)(2)(C), (E), (F). Pub. L. 104-275, §505(b)(2), substituted "during the period beginning on January 9, 1962, and ending on May 7, 1975" for "during the Vietnam era".

Subsec. (a)(3). Pub. L. 104-275, §505(b)(1), substituted "during the period beginning on January 9, 1962, and ending on May 7, 1975," for "during the Vietnam era".

Subsec. (a)(4). Pub. L. 104-275, §505(b)(2), substituted "during the period beginning on January 9, 1962, and ending on May 7, 1975" for "during the Vietnam era".

1994—Subsec. (a)(1)(B). Pub. L. 103-446, §1201(e)(6), substituted "(i)" for "(1)" and "(ii)" for "(2)".

Subsec. (a)(2)(D) to (G). Pub. L. 103-446, §505, added subpars. (D) to (G).

¹ So in original. Probably should be followed by "of disability".

1991—Pub. L. 102-83, §5(a), renumbered section 316 of this title as this section.

Subsec. (a)(1). Pub. L. 102-83, §5(c)(1), substituted “1110” for “310” and “1113” for “313” in introductory provisions.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-275 effective Jan. 1, 1997, with no benefit to be paid or provided by reason of such amendment for any period before such date, see section 505(d) of Pub. L. 104-275, set out as a note under section 101 of this title.

AGREEMENT WITH NATIONAL ACADEMY OF SCIENCES

Section 3 of Pub. L. 102-4, as amended by Pub. L. 102-83, §5(c)(2), Aug. 6, 1991, 105 Stat. 406; Pub. L. 102-86, title V, §503(a), (b)(1), Aug. 14, 1991, 105 Stat. 424, 425, provided that:

“(a) PURPOSE.—The purpose of this section is to provide for the National Academy of Sciences, an independent nonprofit scientific organization with appropriate expertise which is not part of the Federal Government, to review and evaluate the available scientific evidence regarding associations between diseases and exposure to dioxin and other chemical compounds in herbicides.

“(b) AGREEMENT.—The Secretary shall seek to enter into an agreement with the National Academy of Sciences for the Academy to perform the services covered by this section. The Secretary shall seek to enter into such agreement not later than two months after the date of the enactment of the Veterans' Benefits Programs Improvement Act of 1991 [Aug. 14, 1991].

“(c) REVIEW OF SCIENTIFIC EVIDENCE.—Under an agreement between the Secretary and the National Academy of Sciences under this section, the Academy shall review and summarize the scientific evidence, and assess the strength thereof, concerning the association between exposure to an herbicide used in support of the United States and allied military operations in the Republic of Vietnam during the Vietnam era and each disease suspected to be associated with such exposure.

“(d) SCIENTIFIC DETERMINATIONS CONCERNING DISEASES.—(1) For each disease reviewed, the Academy shall determine (to the extent that available scientific data permit meaningful determinations)—

“(A) whether a statistical association with herbicide exposure exists, taking into account the strength of the scientific evidence and the appropriateness of the statistical and epidemiological methods used to detect the association;

“(B) the increased risk of the disease among those exposed to herbicides during service in the Republic of Vietnam during the Vietnam era; and

“(C) whether there exists a plausible biological mechanism or other evidence of a causal relationship between herbicide exposure and the disease.

“(2) The Academy shall include in its reports under subsection (g) a full discussion of the scientific evidence and reasoning that led to its conclusions under this subsection.

“(e) RECOMMENDATIONS FOR ADDITIONAL SCIENTIFIC STUDIES.—The Academy shall make any recommendations it has for additional scientific studies to resolve areas of continuing scientific uncertainty relating to herbicide exposure. In making recommendations for further study, the Academy shall consider the scientific information that is currently available, the value and relevance of the information that could result from additional studies, and the cost and feasibility of carrying out such additional studies.

“(f) SUBSEQUENT REVIEWS.—An agreement under subsection (b) shall require the National Academy of Sciences—

“(1) to conduct as comprehensive a review as is practicable of the evidence referred to in subsection (c) that became available since the last review of such evidence under this section; and

“(2) to make its determinations and estimates on the basis of the results of such review and all other reviews conducted for the purposes of this section.

“(g) REPORTS.—(1) The agreement between the Secretary and the National Academy of Sciences shall require the Academy to transmit to the Secretary and the Committees on Veterans' Affairs of the Senate and House of Representatives periodic written reports regarding the Academy's activities under the agreement. Such reports shall be submitted at least once every two years (as measured from the date of the first report).

“(2) The first report under this subsection shall be transmitted not later than the end of the 18-month period beginning on the date of the enactment of this Act [Feb. 6, 1991]. That report shall include (A) the determinations and discussion referred to in subsection (d), (B) any recommendations of the Academy under subsection (e), and (C) the recommendation of the Academy as to whether the provisions of each of sections 6 through 9 [set out below] should be implemented by the Secretary. In making its recommendation with respect to each such section, the Academy shall consider the scientific information that is currently available, the value and relevance of the information that could result from implementing that section, and the cost and feasibility of implementing that section. If the Academy recommends that the provisions of section 6 should be implemented, the Academy shall also recommend the means by which clinical data referred to in that section could be maintained in the most scientifically useful way.

“(h) LIMITATION ON AUTHORITY.—The authority to enter into agreements under this section shall be effective for a fiscal year to the extent that appropriations are available.

“(i) SUNSET.—This section shall cease to be effective 10 years after the last day of the fiscal year in which the National Academy of Sciences transmits to the Secretary the first report under subsection (g).

“(j) ALTERNATIVE CONTRACT SCIENTIFIC ORGANIZATION.—If the Secretary is unable within the time period prescribed in subsection (b) to enter into an agreement with the National Academy of Sciences for the purposes of this section on terms acceptable to the Secretary, the Secretary shall seek to enter into an agreement for the purposes of this section with another appropriate scientific organization that is not part of the Government and operates as a not-for-profit entity and that has expertise and objectivity comparable to that of the National Academy of Sciences. If the Secretary enters into such an agreement with another organization, then any reference in this section and in section 1116 [formerly 316] of title 38, United States Code (as added by section 2), to the National Academy of Sciences shall be treated as a reference to the other organization.

“(k) LIABILITY INSURANCE.—(1) The Secretary may provide liability insurance for the National Academy of Sciences or any other contract scientific organization to cover any claim for money damages for injury, loss of property, personal injury, or death caused by any negligent or wrongful act or omission of any person referred to in paragraph (2) in carrying out any of the following responsibilities of the Academy or such other organization, as the case may be, under an agreement entered into with the Secretary pursuant to this section:

“(A) The review, summarization, and assessment of scientific evidence referred to in subsection (c).

“(B) The making of any determination, on the basis of such review and assessment, regarding the matters set out in clauses (A) through (C) of subsection (d)(1), and the preparation of the discussion referred to in subsection (d)(2).

“(C) The making of any recommendation for additional scientific study under subsection (e).

“(D) The conduct of any subsequent review referred to in subsection (f) and the making of any determination or estimate referred to in such subsection.

“(E) The preparation of the reports referred to in subsection (g).

“(2) A person referred to in paragraph (1) is—

“(A) an employee of the National Academy of Sciences or other contract scientific organization referred to in paragraph (1); or

“(B) any individual appointed by the President of the Academy or the head of such other contract scientific organization, as the case may be, to carry out any of the responsibilities referred to in such paragraph.

“(3) The cost of the liability insurance referred to in paragraph (1) shall be made from funds available to carry out this section.

“(4) The Secretary shall reimburse the Academy or person referred to in paragraph (2) for the cost of any judgments (if any) and reasonable attorney's fees and incidental expenses, not compensated by the liability insurance referred to in paragraph (1) or by any other insurance maintained by the Academy, incurred by the Academy or person referred to in paragraph (2), in connection with any legal or administrative proceedings arising out of or in connection with the work to be performed under the agreement referred to in paragraph (1). Reimbursement of the cost of such judgments, attorney's fees, and incidental expenses shall be paid from funds appropriated for such reimbursement or appropriated to carry out this section, but in no event shall any such reimbursement be made from funds authorized pursuant to section 1304 of title 31, United States Code.”

RESULTS OF EXAMINATIONS AND TREATMENT OF VETERANS FOR DISABILITIES RELATED TO EXPOSURE TO CERTAIN HERBICIDES OR TO SERVICE IN VIETNAM

Section 6 of Pub. L. 102-4, as amended by Pub. L. 102-83, §5(c)(2), Aug. 6, 1991, 105 Stat. 406, provided that:

“(a) IN GENERAL.—Subject to subsections (d) and (e), the Secretary of Veterans Affairs shall compile and analyze, on a continuing basis, all clinical data that (1) is obtained by the Department of Veterans Affairs in connection with examinations and treatment furnished to veterans by the Department after November 3, 1981, by reason of eligibility provided in section 1710(e)(1)(A) of title 38, United States Code, and (2) is likely to be scientifically useful in determining the association, if any, between the disabilities of veterans referred to in such section and exposure to dioxin or any other toxic substance referred to in such section or between such disabilities and active military, naval, or air service in the Republic of Vietnam during the Vietnam era.

“(b) ANNUAL REPORT.—The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives an annual report containing—

“(1) the information compiled in accordance with subsection (a);

“(2) the Secretary's analysis of such information;

“(3) a discussion of the types and incidences of disabilities identified by the Department of Veterans Affairs in the case of veterans referred to in subsection (a);

“(4) the Secretary's explanation for the incidence of such disabilities;

“(5) other explanations for the incidence of such disabilities considered reasonable by the Secretary; and

“(6) the Secretary's views on the scientific validity of drawing conclusions from the incidence of such disabilities, as evidenced by the data compiled under subsection (a), about any association between such disabilities and exposure to dioxin or any other toxic substance referred to in section 1710(e)(1)(A) of title 38, United States Code, or between such disabilities and active military, naval, or air service, in the Republic of Vietnam during the Vietnam era.

“(c) FIRST REPORT.—The first report under subsection (b) shall be submitted not later than one year after the effective date of this section [see subsec. (e) of this section].

“(d) FUNDING.—The authority of the Secretary to carry out this section is effective in any fiscal year only to the extent or in the amount specifically provided in statutory language in appropriations Acts.

“(e) EFFECTIVE DATE.—(1) This section shall take effect at the end of the 90-day period beginning on the

date on which the first report of the National Academy of Sciences under section 3(g) [set out above] is received by the Secretary, except that this section shall not take effect if the Secretary, after receiving that report and before the end of that 90-day period—

“(A) determines that it is not feasible or cost-effective to carry out this section or that carrying out this section would not make a material contribution to the body of scientific knowledge concerning the health effects in humans of herbicide exposure; and

“(B) notifies the Committees on Veterans' Affairs of the Senate and House of Representatives of the Secretary's determination and the reasons therefor.

“(2) In making a determination under this subsection, the Secretary shall give great weight to the views and recommendations of the Academy expressed in that report with respect to the implementation of this section.”

TISSUE ARCHIVING SYSTEM

Section 7 of Pub. L. 102-4 provided that:

“(a) ESTABLISHMENT OF SYSTEM.—Subject to subsections (e) and (f), for the purpose of facilitating future scientific research on the effects of exposure of veterans to dioxin and other toxic agents in herbicides used in support of United States and allied military operations in the Republic of Vietnam during the Vietnam era, the Secretary of Veterans Affairs shall establish and maintain a system for the collection and storage of voluntarily contributed samples of blood and tissue of veterans who performed active military, naval, or air service in the Republic of Vietnam during the Vietnam era.

“(b) SECURITY OF SPECIMENS.—The Secretary shall ensure that the tissue is collected and stored under physically secure conditions and that the tissue is maintained in a condition that is useful for research referred to in subsection (a).

“(c) AUTHORIZED USE OF SPECIMENS.—The Secretary may make blood and tissue available from the system for research referred to in subsection (a). The Secretary shall carry out this section in a manner consistent with the privacy rights and interests of the blood and tissue donors.

“(d) LIMITATIONS ON ACCEPTANCE OF SAMPLES.—The Secretary may prescribe such limitations on the acceptance and storage of blood and tissue samples as the Secretary considers appropriate consistent with the purpose specified in subsection (a).

“(e) FUNDING.—The authority of the Secretary to carry out this section is effective in any fiscal year only to the extent or in the amount specifically provided in statutory language in appropriations Acts.

“(f) EFFECTIVE DATE.—(1) This section shall take effect at the end of the 90-day period beginning on the date on which the first report of the National Academy of Sciences under section 3(g) [set out above] is received by the Secretary, except that this section shall not take effect if the Secretary, after receiving that report and before the end of that 90-day period—

“(A) determines that it is not feasible or cost-effective to carry out this section or that carrying out this section would not make a material contribution to the body of scientific knowledge concerning the health effects in humans of herbicide exposure; and

“(B) notifies the Committees on Veterans' Affairs of the Senate and House of Representatives of the Secretary's determination and the reasons therefor.

“(2) In making a determination under this subsection, the Secretary shall give great weight to the views and recommendations of the Academy expressed in that report with respect to the implementation of this section.”

SCIENTIFIC RESEARCH FEASIBILITY STUDIES PROGRAM

Section 8 of Pub. L. 102-4 provided that:

“(a) ESTABLISHMENT OF PROGRAM.—Subject to subsections (e) and (f), the Secretary of Veterans Affairs shall establish a program to provide for the conduct of

studies of the feasibility of conducting additional scientific research on—

“(1) health hazards resulting from exposure to dioxin;

“(2) health hazards resulting from exposure to other toxic agents in herbicides used in support of United States and allied military operations in the Republic of Vietnam during the Vietnam era; and

“(3) health hazards resulting from active military, naval, or air service in the Republic of Vietnam during the Vietnam era.

“(b) PROGRAM REQUIREMENTS.—(1) Under the program established pursuant to subsection (a), the Secretary shall, pursuant to criteria prescribed pursuant to paragraph (2), award contracts or furnish financial assistance to non-Government entities for the conduct of studies referred to in subsection (a).

“(2) The Secretary shall prescribe criteria for (A) the selection of entities to be awarded contracts or to receive financial assistance under the program, and (B) the approval of studies to be conducted under such contracts or with such financial assistance.

“(c) REPORT.—The Secretary shall promptly report the results of studies conducted under the program to the Committees on Veterans' Affairs of the Senate and the House of Representatives.

“(d) CONSULTATION WITH THE NATIONAL ACADEMY OF SCIENCES.—(1) To the extent provided under any agreement entered into by the Secretary and the National Academy of Sciences under this Act [Pub. L. 102-4, see Short Title of 1991 Amendments note under section 101 of this title]—

“(A) the Secretary shall consult with the Academy regarding the establishment and administration of the program under subsection (a); and

“(B) the Academy shall review the studies conducted under contracts awarded pursuant to the program and the studies conducted with financial assistance furnished pursuant to the program.

“(2) The agreement shall require the Academy to submit to the Secretary and the Committees on Veterans' Affairs of the Senate and the House of Representatives any recommendations that the Academy considers appropriate regarding any studies reviewed under the agreement.

“(e) FUNDING.—The authority of the Secretary to carry out this section is effective in any fiscal year only to the extent or in the amount specifically provided in statutory language in appropriations Acts.

“(f) EFFECTIVE DATE.—(1) This section shall take effect at the end of the 90-day period beginning on the date on which the first report of the National Academy of Sciences under section 3(g) [set out above] is received by the Secretary, except that this section shall not take effect if the Secretary, after receiving that report and before the end of that 90-day period—

“(A) determines that it is not feasible or cost-effective to carry out this section or that carrying out this section would not make a material contribution to the body of scientific knowledge concerning the health effects in humans of herbicide exposure; and

“(B) notifies the Committees on Veterans' Affairs of the Senate and House of Representatives of the Secretary's determination and the reasons therefor.

“(2) In making a determination under this subsection, the Secretary shall give great weight to the views and recommendations of the Academy expressed in that report with respect to the implementation of this section.”

BLOOD TESTING OF CERTAIN VIETNAM-ERA VETERANS

Section 9 of Pub. L. 102-4, as amended by Pub. L. 102-83, § 5(c)(2), Aug. 6, 1991, 105 Stat. 406, provided that:

“(a) BLOOD TESTING.—Subject to subsections (d) and (e), in the case of a veteran described in section 1710(e)(1)(A) of title 38, United States Code, who—

“(1) has applied for medical care from the Department of Veterans Affairs; or

“(2) has filed a claim for, or is in receipt of disability compensation under chapter 11 of title 38, United States Code,

the Secretary of Veterans Affairs shall, upon the veteran's request, obtain a sufficient amount of blood serum from the veteran to enable the Secretary to conduct a test of the serum to ascertain the level of 2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD) which may be present in the veteran's body.

“(b) NOTIFICATION OF TEST RESULTS.—Upon completion of such test, the Secretary shall notify the veteran of the test results and provide the veteran a complete explanation as to what, if anything, the results of the test indicate regarding the likelihood of the veteran's exposure to TCDD while serving in the Republic of Vietnam.

“(c) INCORPORATION IN SYSTEM.—The Secretary shall maintain the veteran's blood sample and the results of the test as part of the system required by section 7 [set out above].

“(d) FUNDING.—The authority of the Secretary to carry out this section is effective in any fiscal year only to the extent or in the amount specifically provided in statutory language in appropriations Acts, but such amount shall not exceed \$4,000,000 in any fiscal year.

“(e) EFFECTIVE DATE.—(1) This section shall take effect at the end of the 90-day period beginning on the date on which the first report of the National Academy of Sciences under section 3(g) [set out above] is received by the Secretary, except that this section shall not take effect if the Secretary, after receiving that report and before the end of that 90-day period—

“(A) determines that it is not feasible or cost-effective to carry out this section or that carrying out this section would not make a material contribution to the body of scientific knowledge concerning the health effects in humans of herbicide exposure; and

“(B) notifies the Committees on Veterans' Affairs of the Senate and House of Representatives of the Secretary's determination and the reasons therefor.

“(2) In making a determination under this subsection, the Secretary shall give great weight to the views and recommendations of the Academy expressed in that report with respect to the implementation of this section.”

STUDY OF EFFECT OF VIETNAM EXPERIENCE ON HEALTH STATUS OF WOMEN VIETNAM VETERANS

Pub. L. 99-272, title XIX, § 19031, Apr. 7, 1986, 100 Stat. 385, provided that:

“(a) REQUIREMENT FOR EPIDEMIOLOGICAL STUDY.—(1)(A) Except as provided in paragraph (2), the Administrator of Veterans' Affairs shall provide for the conduct of an epidemiological study of any long-term adverse health effects (particularly gender-specific health effects) which have been experienced by women who served in the Armed Forces of the United States in the Republic of Vietnam during the Vietnam era and which may have resulted from traumatic experiences during such service, from exposure during such service to phenoxy herbicides (including the herbicide known as Agent Orange), to other herbicides, chemicals, or medications that may have deleterious health effects, or to environmental hazards, or from any other experience or exposure during such service.

“(B) The Administrator may include in the study conducted under this paragraph an evaluation of the means of detecting and treating long-term adverse health effects (particularly gender-specific health effects) found through the study.

“(2)(A) If the Administrator, in consultation with the Director of the Office of Technology Assessment, determines that it is not feasible to conduct a scientifically valid study of an aspect of the matters described in paragraph (1)—

“(i) the Administrator shall promptly submit to the appropriate committees of the Congress a notice of that determination and the reasons for the determination; and

“(ii) the Director, not later than 60 days after the date on which such notice is submitted to the committees, shall submit to such committees a report evaluating and commenting on such determination.

“(B) The Administrator is not required to study any aspect of the matters described in paragraph (1) with respect to which a determination is made and a notice is submitted pursuant to subparagraph (A)(i).

“(C) If the Administrator submits to the Congress notice of a determination made pursuant to subparagraph (A) that it is not scientifically feasible to conduct the study described in paragraph (1)(A), this section (effective as of the date of such notice) shall cease to have effect as if repealed by law.

“(3) The Administrator shall provide for the study to be conducted through contracts or other agreements with private or public agencies or persons.

“(b) APPROVAL OF PROTOCOL.—(1) The study required by subsection (a) shall be conducted in accordance with a protocol approved by the Director of the Office of Technology Assessment.

“(2) Not later than July 1, 1986, the Administrator shall publish a request for proposals for the design of the protocol to be used in conducting the study under this section.

“(3) In considering any proposed protocol for use or approval under this subsection, the Administrator and the Director shall take into consideration—

“(A) the protocol approved under section 307(a)(2)(A)(i) of the Veterans Health Programs Extension and Improvement Act of 1979 (Public Law 96-151; 38 U.S.C. 219 note [1116 note]); and

“(B) the experience under the study being conducted pursuant to that protocol.

“(c) OTA REPORTS.—(1) Concurrent with the approval or disapproval of any protocol under subsection (b)(1), the Director shall submit to the appropriate committees of the Congress a report—

“(A) explaining the reasons for the Director's approval or disapproval of the protocol, as the case may be; and

“(B) containing the Director's conclusions regarding the scientific validity and objectivity of the protocol.

“(2) If the Director has not approved a protocol under subsection (b)(1) by the last day of the 180-day period beginning on the date of the enactment of this Act [Apr. 7, 1986], the Director—

“(A) shall, on such day, submit to the appropriate committees of the Congress a report describing the reasons why the Director has not approved such a protocol; and

“(B) shall, each 60 days thereafter until such a protocol is approved, submit to such committees an updated report on the report required by clause (A).

“(d) OTA MONITORING OF COMPLIANCE.—(1) In order to ensure compliance with the protocol approved under subsection (b)(1), the Director shall monitor the conduct of the study under subsection (a).

“(2)(A) The Director shall submit to the appropriate committees of the Congress, at each of the times specified in subparagraph (B), a report on the Director's monitoring of the conduct of the study pursuant to paragraph (1).

“(B) A report shall be submitted under subparagraph (A)—

“(i) before the end of the 6-month period beginning on the date on which the Director approves the protocol referred to in paragraph (1);

“(ii) before the end of the 12-month period beginning on such date; and

“(iii) annually thereafter until the study is completed or terminated.

“(e) DURATION OF STUDY.—The study conducted pursuant to subsection (a) shall be continued for as long after the date on which the first report is submitted under subsection (f)(1) as the Administrator determines that there is a reasonable possibility of developing, through such study, significant new information on the health effects described in subsection (a)(1).

“(f) REPORTS.—(1) Not later than 24 months after the date of the approval of the protocol pursuant to subsection (b)(1) and annually thereafter, the Administrator shall submit to the appropriate committees of the Congress a report containing—

“(A) a description of the results obtained, before the date of such report, under the study conducted pursuant to subsection (a); and

“(B) any administrative actions or recommended legislation, or both, and any additional comments which the Administrator considers appropriate in light of such results.

“(2) Not later than 90 days after the date on which each report required by paragraph (1) is submitted, the Administrator shall publish in the Federal Register, for public review and comment, a description of any action that the Administrator plans or proposes to take with respect to programs administered by the Veterans' Administration based on—

“(A) the results described in such report;

“(B) the comments and recommendations received on that report; and

“(C) any other available pertinent information.

Each such description shall include a justification or rationale for the planned or proposed action.

“(g) DEFINITIONS.—For the purposes of this section:

“(1) The term ‘gender-specific health effects’ includes—

“(A) effects on female reproductive capacity and reproductive organs;

“(B) effects on reproductive outcomes;

“(C) effects on female-specific organs and tissues; and

“(D) other effects unique to the physiology of females.

“(2) The term ‘Vietnam era’ has the meaning given such term in section 101(29) of title 38, United States Code.”

AGENT ORANGE STUDY; REPORT TO CONGRESSIONAL COMMITTEES

Pub. L. 96-151, title III, §307, Dec. 20, 1979, 93 Stat. 1097, as amended by Pub. L. 97-72, title IV, §401, Nov. 3, 1981, 95 Stat. 1061; Pub. L. 98-542, §8(a), Oct. 24, 1984, 98 Stat. 2731, directed that a protocol be designed for an epidemiological study of the long-term health effects of Agent Orange on Armed Forces personnel who served in Vietnam, and that reports be submitted to Congress describing results with comments and recommendations.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1113 of this title.

§ 1117. Compensation for disabilities occurring in Persian Gulf War veterans

(a) The Secretary may pay compensation under this subchapter to any Persian Gulf veteran suffering from a chronic disability resulting from an undiagnosed illness (or combination of undiagnosed illnesses) that—

(1) became manifest during service on active duty in the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf War; or

(2) became manifest to a degree of 10 percent or more within the presumptive period prescribed under subsection (b).

(b) The Secretary shall prescribe by regulation the period of time following service in the Southwest Asia theater of operations during the Persian Gulf War that the Secretary determines is appropriate for presumption of service connection for purposes of this section. The Secretary's determination of such period of time shall be made following a review of any available credible medical or scientific evidence and the historical treatment afforded disabilities for which manifestation periods have been established and shall take into account other pertinent circumstances regarding the experiences of veterans of the Persian Gulf War.

(c)(1) The Secretary shall prescribe regulations to carry out this section.

(2) Those regulations shall include the following:

(A) A description of the period and geographical area or areas of military service in connection with which compensation under this section may be paid.

(B) A description of the illnesses for which compensation under this section may be paid.

(C) A description of any relevant medical characteristic (such as a latency period) associated with each such illness.

(d) A disability for which compensation under this subchapter is payable shall be considered to be service connected for purposes of all other laws of the United States.

(e) For purposes of this section, the term "Persian Gulf veteran" means a veteran who served on active duty in the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf War.

(Added Pub. L. 103-446, title I, §106(a)(1), Nov. 2, 1994, 108 Stat. 4650.)

REGULATIONS

Section 106(d) of Pub. L. 103-446 provided that: "If the Secretary states in the report under subsection (c) [set out below] that the Secretary intends to pay compensation as provided in section 1117 of title 38, United States Code, as added by subsection (a), the Secretary shall, not later than 30 days after the date on which such report is submitted, publish in the Federal Register proposed regulations under subsections (b) and (c) of that section."

PERSIAN GULF WAR VETERANS' BENEFITS

Sections 102 to 105, 107, 109, and 110 of title I of Pub. L. 103-446, as amended by Pub. L. 104-262, title III, §352(a), Oct. 9, 1996, 110 Stat. 3210, provided that:

"SEC. 102. FINDINGS.

"The Congress makes the following findings:

"(1) During the Persian Gulf War, members of the Armed Forces were exposed to numerous potentially toxic substances, including fumes and smoke from military operations, oil well fires, diesel exhaust, paints, pesticides, depleted uranium, infectious agents, investigational drugs and vaccines, and indigenous diseases, and were also given multiple immunizations. It is not known whether these servicemembers were exposed to chemical or biological warfare agents. However, threats of enemy use of chemical and biological warfare heightened the psychological stress associated with the military operation.

"(2) Significant numbers of veterans of the Persian Gulf War are suffering from illnesses, or are exhibiting symptoms of illness, that cannot now be diagnosed or clearly defined. As a result, many of these conditions or illnesses are not considered to be service connected under current law for purposes of benefits administered by the Department of Veterans Affairs.

"(3) The National Institutes of Health Technology Assessment Workshop on the Persian Gulf Experience and Health, held in April 1994, concluded that the complex biological, chemical, physical, and psychological environment of the Southwest Asia theater of operations produced complex adverse health effects in Persian Gulf War veterans and that no single disease entity or syndrome is apparent. Rather, it may be that the illnesses suffered by those veterans result from multiple illnesses with overlapping symptoms and causes that have yet to be defined.

"(4) That workshop concluded that the information concerning the range and intensity of exposure to

toxic substances by military personnel in the Southwest Asia theater of operations is very limited and that such information was collected only after a considerable delay.

"(5) In response to concerns regarding the health-care needs of Persian Gulf War veterans, particularly those who suffer from illnesses or conditions for which no diagnosis has been made, the Congress, in Public Law 102-585 [see Short Title of 1992 Amendments note under section 101 of this title], directed the establishment of a Persian Gulf War Veterans Health Registry, authorized health examinations for veterans of the Persian Gulf War, and provided for the National Academy of Sciences to conduct a comprehensive review and assessment of information regarding the health consequences of military service in the Persian Gulf theater of operations and to develop recommendations on avenues for research regarding such health consequences. In Public Law 103-210 [see Tables for classification], the Congress authorized the Department of Veterans Affairs to provide health care services on a priority basis to Persian Gulf War veterans. The Congress also provided in Public Law 103-160 (the National Defense Authorization Act for Fiscal Year 1994) [see Tables for classification] for the establishment of a specialized environmental medical facility for the conduct of research into the possible health effects of exposure to low levels of hazardous chemicals, especially among Persian Gulf veterans, and for research into the possible health effects of battlefield exposure in such veterans to depleted uranium.

"(6) In response to concerns about the lack of objective research on Gulf War illnesses, Congress included research provisions in the National Defense Authorization Act for Fiscal Year 1995 [Pub. L. 103-337, see Tables for classification], which was passed by the House and Senate in September 1994. This legislation requires the Secretary of Defense to provide research grants to non-Federal researchers to support three types of studies of the Gulf War syndrome. The first type of study will be an epidemiological study or studies of the incidence, prevalence, and nature of the illness and symptoms and the risk factors associated with symptoms or illnesses. This will include illnesses among spouses and birth defects and illnesses among offspring born before and after the Gulf War. The second group of studies shall be conducted to determine the health consequences of the use of pyridostigmine bromide as a pretreatment antidote enhancer during the Persian Gulf War, alone or in combination with exposure to pesticides, environmental toxins, and other hazardous substances. The final group of studies shall include clinical research and other studies on the causes, possible transmission, and treatment of Gulf War syndrome, and will include studies of veterans and their spouses and children.

"(7) Further research and studies must be undertaken to determine the underlying causes of the illnesses suffered by Persian Gulf War veterans and, pending the outcome of such research, veterans who are seriously ill as the result of such illnesses should be given the benefit of the doubt and be provided compensation benefits to offset the impairment in earnings capacities they may be experiencing.

"SEC. 103. PURPOSES.

"The purposes of this title [see Short Title of 1994 Amendments note under section 101 of this title] are—

"(1) to provide compensation to Persian Gulf War veterans who suffer disabilities resulting from illnesses that cannot now be diagnosed or defined, and for which other causes cannot be identified;

"(2) to require the Secretary of Veterans Affairs to develop at the earliest possible date case assessment strategies and definitions or diagnoses of such illnesses;

"(3) to promote greater outreach to Persian Gulf War veterans and their families to inform them of on-

going research activities, as well as the services and benefits to which they are currently entitled; and

“(4) to ensure that research activities and accompanying surveys of Persian Gulf War veterans are appropriately funded and undertaken by the Department of Veterans Affairs.

“SEC. 104. DEVELOPMENT OF MEDICAL EVALUATION PROTOCOL.

“(a) UNIFORM MEDICAL EVALUATION PROTOCOL.—(1) The Secretary of Veterans Affairs shall develop and implement a uniform and comprehensive medical evaluation protocol that will ensure appropriate medical assessment, diagnosis, and treatment of Persian Gulf War veterans who are suffering from illnesses the origins of which are (as of the date of the enactment of this Act [Nov. 2, 1994]) unknown and that may be attributable to service in the Southwest Asia theater of operations during the Persian Gulf War. The protocol shall include an evaluation of complaints relating to illnesses involving the reproductive system.

“(2) If such a protocol is not implemented before the end of the 120-day period beginning on the date of the enactment of this Act [Nov. 2, 1994], the Secretary shall, before the end of such period, submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report as to why such a protocol has not yet been developed.

“(3)(A) The Secretary shall ensure that the evaluation under the protocol developed under this section is available at all Department medical centers that have the capability of providing the medical assessment, diagnosis, and treatment required under the protocol.

“(B) The Secretary may enter into contracts with non-Department medical facilities for the provision of the evaluation under the protocol.

“(C) In the case of a veteran whose residence is distant from a medical center described in subparagraph (A), the Secretary may provide the evaluation through a Department medical center described in that subparagraph and, in such a case, may provide the veteran the travel and incidental expenses therefor pursuant to the provisions of section 111 of title 38, United States Code.

“(4)(A) If the Secretary is unable to diagnose the symptoms or illness of a veteran provided an evaluation, or if the symptoms or illness of a veteran do not respond to treatment provided by the Secretary, the Secretary may use the authority in section 1703 of title 38, United States Code, in order to provide for the veteran to receive diagnostic tests or treatment at a non-Department medical facility that may have the capability of diagnosing or treating the symptoms or illness of the veteran. The Secretary may provide the veteran the travel and incidental expenses therefor pursuant to the provisions of section 111 of title 38, United States Code.

“(B) The Secretary shall request from each non-Department medical facility that examines or treats a veteran under this paragraph such information relating to the diagnosis or treatment as the Secretary considers appropriate.

“(5) In each year after the implementation of the protocol, the Secretary shall enter into an agreement with the National Academy of Sciences under which agreement appropriate experts shall review the adequacy of the protocol and its implementation by the Department of Veterans Affairs.

“(b) RELATIONSHIP TO OTHER COMPREHENSIVE CLINICAL EVALUATION PROTOCOLS.—The Secretary, in consultation with the Secretary of Defense, shall ensure that the information collected through the protocol described in this section is collected and maintained in a manner that permits the effective and efficient cross-reference of that information with information collected and maintained through the comprehensive clinical protocols of the Department of Defense for Persian Gulf War veterans.

“(c) CASE DEFINITIONS AND DIAGNOSES.—The Secretary shall develop case definitions or diagnoses for

illnesses associated with the service described in subsection (a)(1). The Secretary shall develop such definitions or diagnoses at the earliest possible date.

“SEC. 105. OUTREACH TO PERSIAN GULF VETERANS.

“(a) IN GENERAL.—The Secretary of Veterans Affairs shall implement a comprehensive outreach program to inform Persian Gulf War veterans and their families of the medical care and other benefits that may be provided by the Department of Veterans Affairs and the Department of Defense arising from service in the Persian Gulf War.

“(b) NEWSLETTER.—(1) The outreach program shall include a newsletter which shall be updated and distributed at least semi-annually and shall be distributed to the veterans listed on the Persian Gulf War Veterans Health Registry. The newsletter shall include summaries of the status and findings of Government sponsored research on illnesses of Persian Gulf War veterans and their families, as well as on benefits available to such individuals through the Department of Veterans Affairs. The newsletter shall be prepared in consultation with veterans service organizations.

“(2) The requirement under this subsection for the distribution of the newsletter shall terminate on December 31, 1999.

“(c) TOLL-FREE NUMBER.—The outreach program shall include establishment of a toll-free telephone number to provide Persian Gulf War veterans and their families information on the Persian Gulf War Veterans Health Registry, health care and other benefits provided by the Department of Veterans Affairs, and such other information as the Secretary considers appropriate. Such toll-free telephone number shall be established not later than 90 days after the date of the enactment of this Act [Nov. 2, 1994].

“SEC. 107. EVALUATION OF HEALTH STATUS OF SPOUSES AND CHILDREN OF PERSIAN GULF WAR VETERANS.

“(a) EVALUATION PROGRAM.—Subject to subsection (c), the Secretary of the Veterans Affairs shall conduct a study to evaluate the health status of spouses and children of Persian Gulf War veterans. Under the study, the Secretary shall provide for the conduct of diagnostic testing and appropriate medical examinations of any individual—

“(1) who is the spouse or child of a veteran who—

“(A) is listed in the Persian Gulf War Veterans Registry established under section 702 of Public Law 102-585 [set out in a note under section 527 of this title]; and

“(B) is suffering from an illness or disorder;

“(2) who is apparently suffering from, or may have suffered from, an illness or disorder (including a birth defect, miscarriage, or stillbirth) which cannot be dissociated from the veteran's service in the Southwest Asia theater of operations; and

“(3) who, in the case of a spouse, has granted the Secretary permission to include in the Registry relevant medical data (including a medical history and the results of diagnostic testing and medical examinations) and such other information as the Secretary considers relevant and appropriate with respect to such individual.

Such testing and examinations shall be carried out so as to gather such medical data as the Secretary considers relevant and appropriate in order to determine the nature and extent of the association, if any, between illness or disorder of the spouse or child and the illness of the veteran.

“(b) DURATION OF PROGRAM.—The program shall be carried out during the period beginning on November 1, 1994, and ending on December 31, 1998.

“(c) FUNDING LIMITATION.—The amount spent for the program under subsection (a) may not exceed \$2,000,000.

“(d) CONTRACTING.—The Secretary shall provide for the conduct of testing and examinations under subsection (a) through appropriate contract arrangements.

“(e) STANDARD PROTOCOLS AND GUIDELINES.—The Secretary shall seek to ensure uniform development of

medical data through the development of standard protocols and guidelines for such testing and examinations. If such protocols and guidelines have not been adopted before the end of the 120-day period beginning on the date of the enactment of this Act [Nov. 2, 1994], the Secretary shall, before the end of such period, submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report as to why such protocols and guidelines have not yet been developed.

“(f) ENTRY OF RESULTS IN REGISTRY.—The results of diagnostic tests, medical histories, and medical examinations conducted under subsection (a) shall be entered into the Persian Gulf War Veterans Health Registry.

“(g) OUTREACH.—The Secretary shall conduct such outreach activities as the Secretary determines necessary to ensure that implementation of this section results in sufficient information to enable the Secretary—

“(1) to analyze the health status of large numbers of spouses and children of Persian Gulf veterans; and

“(2) to formulate research hypotheses regarding possible association between illnesses or disorders suffered by Persian Gulf veterans and illnesses or disorders (including birth defects, miscarriages, and stillbirths) suffered by their spouses and children.

“(h) USE OUTSIDE DEPARTMENT OF STANDARD PROTOCOLS AND GUIDELINES.—The Secretary shall—

“(1) make the standard protocols and guidelines developed under this section available to any entity which requests a copy of such protocols and guidelines; and

“(2) enter into the registry the results of any examination of the spouse or child of a veteran who served in the Persian Gulf theater which a licensed physician certifies was conducted using those standard protocols and guidelines.

“(i) REPORTS TO CONGRESS.—(1) The Secretary shall submit to Congress no later than October 31, 1995, a report on the Secretary's implementation of this section.

“(2) The Secretary shall analyze the data entered into the registry under this section and shall submit to Congress, not later than March 1, 1997, a report on that analysis and on the Secretary's recommendation for any further legislation or studies regarding the health status of spouses and children of Persian Gulf War veterans.

“(j) DEFINITIONS.—For purposes of this section, the terms ‘child’ and ‘spouse’ have the meanings given those terms in paragraphs (4) and (31), respectively, of section 101 of title 38, United States Code.

“SEC. 109. SURVEY OF PERSIAN GULF VETERANS.

“(a) IN GENERAL.—The Secretary of Veterans Affairs may carry out a survey of Persian Gulf veterans to gather information on the incidence and nature of health problems occurring in Persian Gulf veterans and their families.

“(b) COORDINATION WITH DEPARTMENT OF DEFENSE.—Any survey under subsection (a) shall be carried out in coordination with the Secretary of Defense.

“(c) PERSIAN GULF VETERAN.—For purposes of this section, a Persian Gulf veteran is an individual who served on active duty in the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf War as defined in section 101(33) of title 38, United States Code.

“SEC. 110. AUTHORIZATION FOR EPIDEMIOLOGICAL STUDIES.

“(a) STUDY OF HEALTH CONSEQUENCES OF PERSIAN GULF SERVICE.—If the National Academy of Sciences includes in the report required by section 706(b) of the Veterans Health Care Act of 1992 (Public Law 102-585) [set out in a note under section 527 of this title] a finding that there is a sound basis for an epidemiological study or studies on the health consequences of service in the Persian Gulf theater of operations during the Persian Gulf War and recommends the conduct of such a study or studies, the Secretary of Veterans Affairs is authorized to carry out such study.

“(b) OVERSIGHT.—(1) The Secretary shall seek to enter into an agreement with the Medical Follow-Up Agency (MFUA) of the Institute of Medicine of the National Academy of Sciences for (A) the review of proposals to conduct the research referred to in subsection (a), (B) oversight of such research, and (C) review of the research findings.

“(2) If the Secretary is unable to enter into an agreement under paragraph (1) with the entity specified in that paragraph, the Secretary shall enter into an agreement described in that paragraph with another appropriate scientific organization which does not have a connection to the Department of Veterans Affairs. In such a case, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives, at least 90 days before the date on which the agreement is entered into, notice in writing identifying the organization with which the Secretary intends to enter into the agreement.

“(c) ACCESS TO DATA.—The Secretary shall enter into agreements with the Secretary of Defense and the Secretary of Health and Human Services to make available for the purposes of any study described in subsection (a) all data that the Secretary, in consultation with the National Academy of Sciences and the contractor for the study, considers relevant to the study.

“(d) AUTHORIZATION.—There are authorized to be appropriated to the Department such sums as are necessary for the conduct of studies described in subsection (a).”

[Pub. L. 104-262, title III, §352(b), Oct. 9, 1996, 110 Stat. 3211, provided that: “Any diagnostic testing and medical examinations undertaken by the Secretary of Veterans Affairs for the purpose of the study required by subsection (a) of such section [section 107(a) of Pub. L. 103-446, set out above] during the period beginning on October 1, 1996, and ending on the date of the enactment of this Act [Oct. 9, 1996] is hereby ratified.”]

REPORT TO CONGRESS ON INTENTION TO PAY COMPENSATION

Section 106(c) of Pub. L. 103-446 directed Secretary of Veterans Affairs, not later than 60 days after Nov. 2, 1994, to submit to Congress a report stating whether or not the Secretary intended to pay compensation as provided in this section.

EX. ORD. NO. 12961. PRESIDENTIAL ADVISORY COMMITTEE ON GULF WAR VETERANS' ILLNESSES

Ex. Ord. No. 12961, May 26, 1995, 60 F.R. 28507, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

SECTION 1. *Establishment.* (a) There is hereby established the Presidential Advisory Committee on Gulf War Veterans' Illnesses (the “Committee”). The Committee shall be composed of not more than 12 members to be appointed by the President. The members of the Committee shall have expertise relevant to the functions of the Committee and shall not be full-time officials or employees of the executive branch of the Federal Government. The Committee shall be subject to the Federal Advisory Committee Act, as amended, 5 U.S.C. App.

(b) The President shall designate a Chairperson from among the members of the Committee.

SEC. 2. *Functions.* (a) The Committee shall report to the President through the Secretary of Defense, the Secretary of Veterans Affairs, and the Secretary of Health and Human Services.

(b) The Committee shall provide advice and recommendations based on its review of the following matters:

(1) *Research:* epidemiological, clinical, and other research concerning Gulf War veterans' illnesses.

(2) *Coordinating Efforts:* the activities of the Persian Gulf Veterans Coordinating Board, including the Research Coordinating Council, the Clinical Working

Group, and the Disability and Compensation Working Group.

(3) *Medical Treatment*: medical examinations and treatment in connection with Gulf War veterans' illnesses, including the Comprehensive Clinical Evaluation Program and the Persian Gulf Registry Medical Examination Program.

(4) *Outreach*: government-sponsored outreach efforts such as hotlines and newsletters related to Gulf War veterans' illnesses.

(5) *External Reviews*: the steps taken to implement recommendations in external reviews by the Institute of Medicine's Committee to Review the Health Consequences of Service During the Persian Gulf War, the Defense Science Board Task Force on Persian Gulf War Health Effects, the National Institutes of Health Technology Assessment Workshop on the Persian Gulf Experience and Health, the Persian Gulf Expert Scientific Committee, and other bodies.

(6) *Risk Factors*: the possible risks associated with service in the Persian Gulf Conflict in general and, specifically, with prophylactic drugs and vaccines, infectious diseases, environmental chemicals, radiation and toxic substances, smoke from oil well fires, depleted uranium, physical and psychological stress, and other factors applicable to the Persian Gulf Conflict.

(7) *Chemical and Biological Weapons*: information related to reports of the possible detection of chemical or biological weapons during the Persian Gulf Conflict.

(c) It shall not be a function of the Committee to conduct scientific research. The Committee shall review information and provide advice and recommendations on the activities undertaken related to the matters described in (b) above.

(d) It shall not be a function of the Committee to provide advice or recommendations on any legal liability of the Federal Government for any claims or potential claims against the Federal Government.

(e) As used herein, "Gulf War Veterans' Illnesses" means the symptoms and illnesses reported by United States uniformed services personnel who served in the Persian Gulf Conflict.

(f) The Committee shall submit an interim report within 6 months of the first meeting of the Committee and a final report by December 31, 1996, unless otherwise provided by the President.

SEC. 3. *Administration*. (a) The heads of executive departments and agencies shall, to the extent permitted by law, provide the Committee with such information as it may require for purposes of carrying out its functions.

(b) Members of the Committee shall be compensated in accordance with Federal law. Committee members may be allowed travel expenses, including per diem in lieu of subsistence, to the extent permitted by law for persons serving intermittently in the Government service (5 U.S.C. 5701-5707).

(c) To the extent permitted by law, and subject to the availability of appropriations, the Department of Defense shall provide the Committee with such funds as may be necessary for the performance of its functions.

SEC. 4. *General Provisions*. (a) Notwithstanding the provisions of any other Executive order, the functions of the President under the Federal Advisory Committee Act that are applicable to the Committee, except that of reporting annually to the Congress, shall be performed by the Secretary of Defense, in accordance with the guidelines and procedures established by the Administrator of General Services.

(b) The Committee shall terminate 30 days after submitting its final report.

(c) This order is intended only to improve the internal management of the executive branch and it is not intended to create any right, benefit or trust responsibility, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers, or any person.

WILLIAM J. CLINTON.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1113 of this title.

SUBCHAPTER III—WARTIME DEATH COMPENSATION

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in title 26 section 6334.

§ 1121. Basic entitlement

The surviving spouse, child or children, and dependent parent or parents of any veteran who died before January 1, 1957 as the result of injury or disease incurred in or aggravated by active military, naval, or air service, in line of duty, during a period of war, shall be entitled to receive compensation at the monthly rates specified in section 1122 of this title.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1122, §321; Pub. L. 92-197, §6, Dec. 15, 1971, 85 Stat. 662; Pub. L. 94-433, title IV, §404(12), Sept. 30, 1976, 90 Stat. 1378; renumbered §1121 and amended Pub. L. 102-83, §5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406.)

AMENDMENTS

1991—Pub. L. 102-83, §5(a), renumbered section 321 of this title as this section.

Pub. L. 102-83, §5(c)(1), substituted "1122" for "322".

1976—Pub. L. 94-433 substituted "spouse" for "widow".

1971—Pub. L. 92-197 struck out eligibility clause when the veteran died after April 30, 1957, under circumstances described in section 417(a) of this title.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-433 effective Oct. 1, 1976, see section 406 of Pub. L. 94-433, set out as a note under section 1101 of this title.

EFFECTIVE DATE OF 1971 AMENDMENT

Amendment by Pub. L. 92-197 effective Jan. 1, 1972, see section 10 of Pub. L. 92-197, set out as a note under section 1311 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5313 of this title.

§ 1122. Rates of wartime death compensation

(a) The monthly rates of death compensation shall be as follows:

- (1) Surviving spouse but no child, \$87;
- (2) Surviving spouse with one child, \$121 (with \$29 for each additional child);
- (3) No surviving spouse but one child, \$67;
- (4) No surviving spouse but two children, \$94 (equally divided);
- (5) No surviving spouse but three children, \$122 (equally divided) (with \$23 for each additional child, total amount to be equally divided);
- (6) Dependent parent, \$75;
- (7) Both dependent parents, \$40 each.

(b) The monthly rate of death compensation payable to a surviving spouse or dependent parent under subsection (a) of this section shall be increased by \$79 if the payee is (1) a patient in a nursing home or (2) helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1122, §322; Pub. L. 91-96, §7, Oct. 27, 1969, 83 Stat. 146; Pub. L. 91-588, §3(a), Dec. 24, 1970, 84 Stat. 1583; Pub. L. 92-197, §9, Dec. 15, 1971, 85 Stat. 662; Pub. L. 93-295, title II, §204, May 31, 1974, 88 Stat. 183;

Pub. L. 94-169, title II, § 202, Dec. 23, 1975, 89 Stat. 1021; Pub. L. 94-432, title IV, § 401, Sept. 30, 1976, 90 Stat. 1372; Pub. L. 94-433, title IV, § 404(13)-(17), Sept. 30, 1976, 90 Stat. 1378, 1379; Pub. L. 95-204, title III, § 301, Dec. 2, 1977, 91 Stat. 1459; renumbered § 1122, Pub. L. 102-83, § 5(a), Aug. 6, 1991, 105 Stat. 406.)

AMENDMENTS

1991—Pub. L. 102-83 renumbered section 322 of this title as this section.

1977—Subsec. (b). Pub. L. 95-204 substituted “\$79” for “\$74”.

1976—Subsec. (a). Pub. L. 94-433, § 404(13)-(16), substituted “Surviving spouse” for “Widow” in pars. (1) and (2); “surviving spouse” for “widow” in pars. (3), (4), and (5); “parent” for “mother or father” in par. (6); and “Both dependent parents” for “Dependent mother and father” in par. (7).

Subsec. (b). Pub. L. 94-433, § 404(17), substituted “surviving spouse” for “widow”.

Pub. L. 94-432 substituted “\$74” for “\$69”.

1975—Subsec. (b). Pub. L. 94-169 substituted, effective for period beginning Jan. 1, 1976, and ending Sept. 30, 1976, “\$69” for “\$64”.

1974—Subsec. (b). Pub. L. 93-295 substituted “\$64” for “\$55”.

1971—Subsec. (b). Pub. L. 92-197 extended benefits to dependent parents under subsec. (a) of this section and increased the increase in benefits from \$50 to \$55.

1970—Subsec. (b). Pub. L. 91-588 substituted “\$55” for “\$50”.

1969—Pub. L. 91-96 designated existing provisions as subsec. (a) and added subsec. (b).

EFFECTIVE DATE OF 1977 AMENDMENT

Section 302 of Pub. L. 95-204 provided that: “The provisions of this Act [see Tables for classification] shall take effect January 1, 1978.”

EFFECTIVE DATE OF 1976 AMENDMENTS

Amendment by Pub. L. 94-433 effective Oct. 1, 1976, see section 406 of Pub. L. 94-433, set out as a note under section 1101 of this title.

Amendment by Pub. L. 94-432 effective Jan. 1, 1977, see section 405(b) of Pub. L. 94-432, set out as a note under section 1521 of this title.

EFFECTIVE DATE OF 1975 AMENDMENT

Section 202 of Pub. L. 94-169, as amended by section 101 of Pub. L. 94-432, eff. Sept. 30, 1976, provided that the amendment made by that section is effective Jan. 1, 1976.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93-295 effective May 1, 1974, see section 401 of Pub. L. 93-295, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1971 AMENDMENT

Amendment by Pub. L. 92-197 effective Jan. 1, 1972, see section 10 of Pub. L. 92-197, set out as a note under section 1311 of this title.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-588 effective Jan. 1, 1971, see section 10(a) of Pub. L. 91-588, set out as a note under section 1521 of this title.

EFFECTIVE DATE OF 1969 AMENDMENT

Amendment by Pub. L. 91-96 effective first day of second calendar month which begins after Oct. 27, 1969, see section 8 of Pub. L. 91-96, set out as a note under section 1302 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1121, 1142 of this title.

SUBCHAPTER IV—PEACETIME DISABILITY COMPENSATION

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in title 26 section 6334.

§ 1131. Basic entitlement

For disability resulting from personal injury suffered or disease contracted in line of duty, or for aggravation of a preexisting injury suffered or disease contracted in line of duty, in the active military, naval, or air service, during other than a period of war, the United States will pay to any veteran thus disabled and who was discharged or released under conditions other than dishonorable from the period of service in which said injury or disease was incurred, or preexisting injury or disease was aggravated, compensation as provided in this subchapter, but no compensation shall be paid if the disability is a result of the veteran's own willful misconduct or abuse of alcohol or drugs.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1122, § 331; Pub. L. 101-508, title VIII, § 8052(a)(3), Nov. 5, 1990, 104 Stat. 1388-351; renumbered § 1131, Pub. L. 102-83, § 5(a), Aug. 6, 1991, 105 Stat. 406.)

AMENDMENTS

1991—Pub. L. 102-83 renumbered section 331 of this title as this section.

1990—Pub. L. 101-508 substituted “a result of the veteran's own willful misconduct or abuse of alcohol or drugs” for “the result of the veteran's own willful misconduct”.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-508 effective with respect to claims filed after Oct. 31, 1990, see section 8052(b) of Pub. L. 101-508, set out as a note under section 105 of this title.

CROSS REFERENCES

Naval Reserves and Marine Corps Reserve, disability and death benefits, see section 6148 of Title 10, Armed Forces.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1132, 1133, 1134 of this title.

§ 1132. Presumption of sound condition

For the purposes of section 1131 of this title, every person employed in the active military, naval, or air service for six months or more shall be taken to have been in sound condition when examined, accepted and enrolled for service, except as to defects, infirmities, or disorders noted at the time of the examination, acceptance and enrollment, or where evidence or medical judgment is such as to warrant a finding that the disease or injury existed before acceptance and enrollment.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1122, § 332; renumbered § 1132 and amended Pub. L. 102-83, § 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406.)

AMENDMENTS

1991—Pub. L. 102-83, § 5(a), renumbered section 332 of this title as this section.

Pub. L. 102-83, § 5(c)(1), substituted “1131” for “331”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1137 of this title.

§ 1133. Presumptions relating to certain diseases

(a) For the purposes of section 1131 of this title, and subject to the provisions of subsections (b) and (c) of this section, any veteran who served for six months or more and contracts a tropical disease or a resultant disorder or disease originating because of therapy administered in connection with a tropical disease, or as a preventative thereof, shall be deemed to have incurred such disability in the active military, naval, or air service when it is shown to exist within one year after separation from active service, or at a time when standard and accepted treatises indicate that the incubation period thereof commenced during active service.

(b) Service-connection shall not be granted pursuant to subsection (a), in any case where the disease or disorder is shown by clear and unmistakable evidence to have had its inception before or after active military, naval, or air service.

(c) Nothing in this section shall be construed to prevent the granting of service-connection for any disease or disorder otherwise shown by sound judgment to have been incurred in or aggravated by active military, naval, or air service.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1123, § 333; renumbered § 1133 and amended Pub. L. 102-83, § 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406.)

AMENDMENTS

1991—Pub. L. 102-83, § 5(a), renumbered section 333 of this title as this section.

Subsec. (a). Pub. L. 102-83, § 5(c)(1), substituted “1131” for “331”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1137 of this title.

§ 1134. Rates of peacetime disability compensation

For the purposes of section 1131 of this title, the compensation payable for the disability shall be that specified in section 1114 of this title.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1123, § 334; Pub. L. 92-328, title I, § 108(a), June 30, 1972, 86 Stat. 396; renumbered § 1134 and amended Pub. L. 102-83, § 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406.)

AMENDMENTS

1991—Pub. L. 102-83, § 5(a), renumbered section 334 of this title as this section.

Pub. L. 102-83, § 5(c)(1), substituted “1131” for “331” and “1114” for “314”.

1972—Pub. L. 92-328 substituted provisions that compensation payable for the disability be that specified in section 314 of this title, for provisions that compensation payable for the disability be equal to 80% of the compensation payable for such disability under section 314 of this title, adjusted upward or downward to the nearest dollar.

EFFECTIVE DATE OF 1972 AMENDMENT

Section 301(b) of Pub. L. 92-328 provided that: “Section 108 [repealing section 336 of this title and amending this section and section 335 [now 1135] of this title] shall take effect on July 1, 1973.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1114, 1135, 1717 of this title.

§ 1135. Additional compensation for dependents

Any veteran entitled to compensation at the rates provided in section 1134 of this title, and whose disability is rated not less than 30 percent, shall be entitled to additional monthly compensation for dependents as provided in section 1115 of this title.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1123, § 335; Pub. L. 92-328, title I, § 108(b), June 30, 1972, 86 Stat. 396; Pub. L. 98-543, title I, § 112(a), Oct. 24, 1984, 98 Stat. 2740; renumbered § 1135 and amended Pub. L. 102-83, § 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406.)

AMENDMENTS

1991—Pub. L. 102-83, § 5(a), renumbered section 335 of this title as this section.

Pub. L. 102-83, § 5(c)(1), substituted “1134” for “334” and “1115” for “315”.

1984—Pub. L. 98-543 substituted “30 percent” for “50 per centum”.

1972—Pub. L. 92-328 substituted provisions that the veteran be entitled to additional monthly compensation for dependents as provided in section 315 of this title, for provisions that the veteran be entitled to additional monthly compensation for dependents equal to 80% of the additional compensation for dependents provided in section 315 of this title, and subject to the limitations thereof, and adjusted upward or downward to the nearest dollar.

EFFECTIVE DATE OF 1984 AMENDMENT

Section 112(b) of Pub. L. 98-543 provided that: “The amendment made by subsection (a) [amending this section] shall take effect as of October 1, 1978.”

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92-328 effective July 1, 1973, see section 301(b) of Pub. L. 92-328, set out as a note under section 1134 of this title.

[§ 1136. Vacant]**CODIFICATION**

Prior to renumbering of sections 301 to 363 of this chapter as sections 1101 to 1163 by Pub. L. 102-83, § 5(a), Aug. 6, 1991, 105 Stat. 406, section 336 of this chapter, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1123, which set forth the conditions under which wartime rates were payable to any veteran otherwise entitled to compensation under the provisions of this subchapter, was repealed by Pub. L. 92-328, title I, § 108(c), title III, § 301(b), June 30, 1972, 86 Stat. 396, 398, effective July 1, 1973.

§ 1137. Wartime presumptions for certain veterans

For the purposes of this subchapter and subchapter V of this chapter and notwithstanding the provisions of sections 1132 and 1133 of this subchapter, the provisions of sections 1111, 1112, and 1113 of this chapter shall be applicable in the case of any veteran who served in the active military, naval, or air service after December 31, 1946.

(Added Pub. L. 89-358, § 7(a), Mar. 3, 1966, 80 Stat. 27, § 337; amended Pub. L. 93-295, title II, § 205, May 31, 1974, 88 Stat. 183; renumbered § 1137 and amended Pub. L. 102-83, § 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406.)

AMENDMENTS

1991—Pub. L. 102-83, § 5(a), renumbered section 337 of this title as this section.

Pub. L. 102-83, §5(c)(1), substituted "1132 and 1133" for "332 and 333" and "1111, 1112, and 1113" for "311, 312, and 313".

1974—Pub. L. 93-295 substituted "December 31, 1946" for "January 31, 1955".

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93-295 effective May 1, 1974, see section 401 of Pub. L. 93-295, set out as a note under section 1114 of this title.

SUBCHAPTER V—PEACETIME DEATH COMPENSATION

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 1137 of this title; title 26 section 6334.

§ 1141. Basic entitlement

The surviving spouse, child or children, and dependent parent or parents of any veteran who died before January 1, 1957, as the result of injury or disease incurred in or aggravated by active military, naval, or air service, in line of duty, during other than a period of war, shall be entitled to receive compensation as hereinafter provided in this subchapter.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1123, §341; Pub. L. 92-197, §6, Dec. 15, 1971, 85 Stat. 662; Pub. L. 94-433, title IV, §404(18), Sept. 30, 1976, 90 Stat. 1379; renumbered §1141, Pub. L. 102-83, §5(a), Aug. 6, 1991, 105 Stat. 406.)

AMENDMENTS

1991—Pub. L. 102-83 renumbered section 341 of this title as this section.

1976—Pub. L. 94-433 substituted "spouse" for "widow".

1971—Pub. L. 92-197 struck out eligibility clause when the veteran died after April 30, 1957, under circumstances described in section 417(a) of this title.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-433 effective Oct. 1, 1976, see section 406 of Pub. L. 94-433, set out as a note under section 1101 of this title.

EFFECTIVE DATE OF 1971 AMENDMENT

Amendment by Pub. L. 92-197 effective Jan. 1, 1972, see section 10 of Pub. L. 92-197, set out as a note under section 1311 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1142, 5313 of this title.

§ 1142. Rates of peacetime death compensation

For the purposes of section 1141 of this title, the monthly rates of death compensation payable shall be those specified in section 1122 of this title.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1124, §342; Pub. L. 93-295, title II, §206(a), May 31, 1974, 88 Stat. 183; renumbered §1142 and amended Pub. L. 102-83, §5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406.)

AMENDMENTS

1991—Pub. L. 102-83, §5(a), renumbered section 342 of this title as this section.

Pub. L. 102-83, §5(c)(1), substituted "1141" for "341" and "1122" for "322".

1974—Pub. L. 93-295 substituted "those specified in section 322 of this title" for "equal to 80 per centum of

the rates prescribed by section 322 of this title, adjusted upward or downward to the nearest dollar, counting fifty cents and over as a whole dollar".

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93-295 effective May 1, 1974, see section 401 of Pub. L. 93-295, set out as a note under section 1114 of this title.

[§ 1143. Vacant]

CODIFICATION

Prior to renumbering of sections 301 to 363 of this chapter as sections 1101 to 1163 by Pub. L. 102-83, §5(a), Aug. 6, 1991, 105 Stat. 406, section 343 of this chapter, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1124, which prescribed conditions under which wartime rates of compensation were payable, was repealed by Pub. L. 93-295, title II, §206(b), title IV, §401, May 31, 1974, 88 Stat. 183, 184, effective May 1, 1974.

SUBCHAPTER VI—GENERAL COMPENSATION PROVISIONS

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in title 26 section 6334.

§ 1151. Benefits for persons disabled by treatment or vocational rehabilitation

(a) Compensation under this chapter and dependency and indemnity compensation under chapter 13 of this title shall be awarded for a qualifying additional disability or a qualifying death of a veteran in the same manner as if such additional disability or death were service-connected. For purposes of this section, a disability or death is a qualifying additional disability or qualifying death if the disability or death was not the result of the veteran's willful misconduct and—

(1) the disability or death was caused by hospital care, medical or surgical treatment, or examination furnished the veteran under any law administered by the Secretary, either by a Department employee or in a Department facility as defined in section 1701(3)(A) of this title, and the proximate cause of the disability or death was—

(A) carelessness, negligence, lack of proper skill, error in judgment, or similar instance of fault on the part of the Department in furnishing the hospital care, medical or surgical treatment, or examination; or

(B) an event not reasonably foreseeable; or

(2) the disability or death was proximately caused by the provision of training and rehabilitation services by the Secretary (including by a service-provider used by the Secretary for such purpose under section 3115 of this title) as part of an approved rehabilitation program under chapter 31 of this title.

(b) Where an individual is, on or after December 1, 1962, awarded a judgment against the United States in a civil action brought pursuant to section 1346(b) of title 28 or, on or after December 1, 1962, enters into a settlement or compromise under section 2672 or 2677 of title 28 by reason of a disability or death treated pursuant to this section as if it were service-connected, then no benefits shall be paid to such individual for any month beginning after the date such judgment, settlement, or compromise on ac-

count of such disability or death becomes final until the aggregate amount of benefits which would be paid but for this subsection equals the total amount included in such judgment, settlement, or compromise.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1124, §351; Pub. L. 87-825, §3, Oct. 15, 1962, 76 Stat. 950; Pub. L. 91-24, §3, June 11, 1969, 83 Stat. 33; Pub. L. 94-433, title IV, §404(19), Sept. 30, 1976, 90 Stat. 1379; Pub. L. 98-223, title II, §213(1), Mar. 2, 1984, 98 Stat. 46; renumbered §1151 and amended Pub. L. 102-83, §§4(a)(1), 5(a), Aug. 6, 1991, 105 Stat. 403, 406; Pub. L. 104-204, title IV, §422(a), Sept. 26, 1996, 110 Stat. 2926.)

AMENDMENTS

1996—Subsec. (a). Pub. L. 104-204, §422(a)(1), added subsec. (a) and struck out former first sentence of section which read as follows: "Where any veteran shall have suffered an injury, or an aggravation of an injury, as the result of hospitalization, medical or surgical treatment, or the pursuit of a course of vocational rehabilitation under chapter 31 of this title, awarded under any of the laws administered by the Secretary, or as a result of having submitted to an examination under any such law, and not the result of such veteran's own willful misconduct, and such injury or aggravation results in additional disability to or the death of such veteran, disability or death compensation under this chapter and dependency and indemnity compensation under chapter 13 of this title shall be awarded in the same manner as if such disability, aggravation, or death were service-connected."

Subsec. (b). Pub. L. 104-204, §422(a)(2), designated second sentence of section as subsec. (b), struck out "aggravation," after "disability" in two places, and substituted "this subsection equals the total amount" for "this sentence equals the total amount".

1991—Pub. L. 102-83, §5(a), renumbered section 351 of this title as this section.

Pub. L. 102-83, §4(a)(1), substituted "administered by the Secretary" for "administered by the Veterans' Administration".

1984—Pub. L. 98-223 substituted "title 28" for "title 28, United States Code," in two places.

1976—Pub. L. 94-433 struck out "him" before "under any of the laws" and substituted "such veteran's" for "his" in first sentence.

1969—Pub. L. 91-24 substituted "on or after December 1, 1962," for "hereafter" wherever appearing.

1962—Pub. L. 87-825 provided that where an individual is awarded a judgment under section 1346(b) of title 28, enters a settlement or compromise under section 2672 or 2677 of such title by reason of a disability, aggravation, or death treated pursuant to this section as if service-connected, then no benefits shall be paid such individual for any month beginning after such judgment, settlement or compromise becomes final until the aggregate amount of benefits equals the total amount included in such judgment, settlement, or compromise, and struck out provisions which required that no benefits were to be awarded unless application was made therefor within two years after an injury or aggravation was suffered, or a death occurred.

EFFECTIVE DATE OF 1996 AMENDMENT

Section 422(b), (c) of Pub. L. 104-204 provided that:

"(b)(1) The amendments made by subsection (a) [amending this section] shall take effect on October 1, 1996.

"(2) Section 1151 of title 38, United States Code (as amended by subsection (a)), shall govern all administrative and judicial determinations of eligibility for benefits under such section that are made with respect to claims filed on or after the effective date set forth in paragraph (1) [Oct. 1, 1996], including those based on original applications and applications seeking to re-

open, revise, reconsider, or otherwise readjudicate on any basis claims for benefits under such section 1151 or any provision of law that is a predecessor of such section.

"(c) Notwithstanding [sic] subsection (b)(1), section 421(d) [set out as a note under section 1801 of this title], or any other provision of this Act [see Tables for classification], section 421 [enacting sections 1801 to 1806 of this title, amending section 5312 of this title, and enacting provisions set out as notes under section 1801 of this title] and this section [amending this section] shall not take effect until October 1, 1997, unless legislation other than this Act is enacted to provide for an earlier effective date."

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-433 effective Oct. 1, 1976, see section 406 of Pub. L. 94-433, set out as a note under section 1101 of this title.

EFFECTIVE DATE OF 1962 AMENDMENT

Amendment by Pub. L. 87-825 effective first day of second calendar month which begins after Oct. 15, 1962, see section 7 of Pub. L. 87-825, set out as a note under section 110 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1710, 5110, 5313 of this title.

§ 1152. Persons heretofore having a compensable status

The death and disability benefits of this chapter shall, notwithstanding the service requirements thereof, be granted to persons heretofore recognized by law as having a compensable status, including persons whose claims are based on war or peacetime service rendered before April 21, 1898.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1124, §352; renumbered §1152, Pub. L. 102-83, §5(a), Aug. 6, 1991, 105 Stat. 406.)

AMENDMENTS

1991—Pub. L. 102-83 renumbered section 352 of this title as this section.

§ 1153. Aggravation

A preexisting injury or disease will be considered to have been aggravated by active military, naval, or air service, where there is an increase in disability during such service, unless there is a specific finding that the increase in disability is due to the natural progress of the disease.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1124, §353; renumbered §1153, Pub. L. 102-83, §5(a), Aug. 6, 1991, 105 Stat. 406.)

AMENDMENTS

1991—Pub. L. 102-83 renumbered section 353 of this title as this section.

§ 1154. Consideration to be accorded time, place, and circumstances of service

(a) The Secretary shall include in the regulations pertaining to service-connection of disabilities (1) additional provisions in effect requiring that in each case where a veteran is seeking service-connection for any disability due consideration shall be given to the places, types, and circumstances of such veteran's service as shown by such veteran's service record, the offi-

cial history of each organization in which such veteran served, such veteran's medical records, and all pertinent medical and lay evidence, and (2) the provisions required by section 5 of the Veterans' Dioxin and Radiation Exposure Compensation Standards Act (Public Law 98-542; 98 Stat. 2727).

(b) In the case of any veteran who engaged in combat with the enemy in active service with a military, naval, or air organization of the United States during a period of war, campaign, or expedition, the Secretary shall accept as sufficient proof of service-connection of any disease or injury alleged to have been incurred in or aggravated by such service satisfactory lay or other evidence of service incurrence or aggravation of such injury or disease, if consistent with the circumstances, conditions, or hardships of such service, notwithstanding the fact that there is no official record of such incurrence or aggravation in such service, and, to that end, shall resolve every reasonable doubt in favor of the veteran. Service-connection of such injury or disease may be rebutted by clear and convincing evidence to the contrary. The reasons for granting or denying service-connection in each case shall be recorded in full.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1124, §354; Pub. L. 94-433, title IV, §404(20), Sept. 30, 1976, 90 Stat. 1379; Pub. L. 98-542, §4, Oct. 24, 1984, 98 Stat. 2727; Pub. L. 102-54, §14(b)(1), June 13, 1991, 105 Stat. 282; renumbered §1154 and amended Pub. L. 102-83, §§4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404-406.)

REFERENCES IN TEXT

Section 5 of the Veterans' Dioxin and Radiation Exposure Compensation Standards Act, referred to in subsec. (a), is set out below.

AMENDMENTS

1991—Pub. L. 102-83, §5(a), renumbered section 354 of this title as this section.

Pub. L. 102-54, §14(b)(1)(A), inserted a comma after "place" in section catchline.

Subsec. (a). Pub. L. 102-83, §4(b)(1), (2)(E), substituted "Secretary" for "Administrator".

Pub. L. 102-54, §14(b)(1)(B), inserted before period at end "(Public Law 98-542; 98 Stat. 2727)".

Subsec. (b). Pub. L. 102-83, §4(b)(1), (2)(E), substituted "Secretary" for "Administrator".

1984—Subsec. (a). Pub. L. 98-542 designated existing provisions as cl. (1) and added cl. (2).

1976—Subsec. (a). Pub. L. 94-433 substituted "such veteran's" for "his" in three places and "such veteran" for "he".

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-433 effective Oct. 1, 1976, see section 406 of Pub. L. 94-433, set out as a note under section 1101 of this title.

IONIZING RADIATION REGISTRY

Pub. L. 99-576, title II, §232, Oct. 28, 1986, 100 Stat. 3264, as amended by Pub. L. 102-83, §§5(c)(2), 6(h), Aug. 6, 1991, 105 Stat. 406, 408, provided that:

"(a) ESTABLISHMENT OF REGISTRY.—The Secretary of Veterans Affairs shall establish and maintain a special record to be known as the 'Ionizing Radiation Registry' (hereinafter in this section referred to as the 'Registry')."

"(b) CONTENT OF REGISTRY.—Except as provided in subsection (c), the Registry shall include the following information:

"(1) A list containing the name of each veteran who was exposed to ionizing radiation under the conditions described in section 1710(e)(1)(B) of title 38, United States Code, and who—

"(A) applies for hospital or nursing home care from the Department of Veterans Affairs under chapter 17 of such title;

"(B) files a claim for compensation under chapter 11 of such title on the basis of a disability which may be associated with the exposure to ionizing radiation; or

"(C) dies and is survived by a spouse, child, or parent who files a claim for dependency and indemnity compensation under chapter 13 of such title on the basis of the exposure of such veteran to ionizing radiation.

"(2) Medical data relating to each veteran listed in the Registry, including—

"(A) the veteran's medical history, latest health status recorded by the Department of Veterans Affairs, physical examinations, and clinical findings; and

"(B) a statement describing birth defects, if any, in the natural children of the veteran.

"(3) Data on claims for the compensation referred to in paragraph (1), including decisions and determinations of the Department of Veterans Affairs relating to such claims.

"(4) An estimate of the dose of radiation to which each veteran listed in the Registry was exposed under the conditions described in section 1710(e)(1)(B) of such title.

"(c) VETERANS SUBMITTING CLAIMS BEFORE DATE OF ENACTMENT.—If in the case of a veteran described in subsection (b)(1) the application or claim referred to in such subsection was submitted or filed before October 28, 1986, the Secretary shall include in the Registry, to the extent feasible, such veteran's name and the data and information described in subsection (b) relating to the veteran.

"(d) CONSOLIDATION OF EXISTING INFORMATION.—(1) For the purpose of establishing and maintaining the Registry, the Secretary of Veterans Affairs shall compile and consolidate—

"(A) relevant information maintained by the Veterans Benefits Administration and the Veterans Health Administration of the Department of Veterans Affairs;

"(B) relevant information maintained by the Defense Nuclear Agency of the Department of Defense; and

"(C) any relevant information maintained by any other element of the Department of Veterans Affairs or the Department of Defense.

"(2) With respect to a veteran whose name is included in the Registry and for whom the information in the Registry is not complete, the Secretary of Veterans Affairs shall include information described in paragraph (1) with respect to that veteran (A) to the extent that such information is reasonably available in records of the Department of Veterans Affairs or Department of Defense, or (B) if such information is submitted by the veteran after October 28, 1986.

"(e) DEPARTMENT OF DEFENSE INFORMATION.—The Secretary of Defense shall furnish to the Secretary of Veterans Affairs such information maintained by the Department of Defense as the Secretary of Veterans Affairs considers necessary to establish and maintain the Registry.

"(f) DEFINITION.—For the purpose of this section, the term 'veteran' has the meaning given that term in section 101(2) of title 38, United States Code, and includes a person who died in the active military, naval, or air service.

“(g) EFFECTIVE DATE.—The Registry shall be established not later than 180 days after the date of the enactment of this Act [Oct. 28, 1986].”

VETERANS' DIOXIN AND RADIATION EXPOSURE COMPENSATION STANDARDS; CONGRESSIONAL FINDINGS AND STATEMENT OF PURPOSE

Sections 1–3 of Pub. L. 98–542, as amended by Pub. L. 102–4, § 10(a), (b), Feb. 6, 1991, 105 Stat. 19, provided that:

“SHORT TITLE

“SECTION 1. This Act [amending this section, enacting provisions set out as notes under this section, and amending provisions set out as notes under this section and section 1116 of this title] may be cited as the ‘Veterans’ Dioxin and Radiation Exposure Compensation Standards Act’.

“FINDINGS

“SEC. 2. The Congress makes the following findings:

“(1) Veterans who served in the Republic of Vietnam during the Vietnam era and veterans who participated in atmospheric nuclear tests or the American occupation of Hiroshima or Nagasaki, Japan, are deeply concerned about possible long-term health effects of exposure to herbicides containing dioxin or to ionizing radiation.

“(2) There is scientific and medical uncertainty regarding such long-term adverse health effects.

“(3) In section 102 of Public Law 97–22 [see Tables for classification], the Congress responded to that uncertainty by authorizing priority medical care at Veterans’ Administration [now Department of Veterans Affairs] facilities for any disability of a veteran who may have been so exposed (even though there is insufficient medical evidence linking such disability with such exposure) unless the disability is found to have resulted from a cause other than the exposure.

“(4) The Congress has further responded to that medical and scientific uncertainty by requiring, in section 307 of Public Law 96–151 [set out as a note under section 1116 of this title] and section 601 of Public Law 98–160 [set out below], the conduct of thorough epidemiological studies of the health effects experienced by veterans in connection with exposure both to herbicides containing dioxin and (if not determined to be scientifically infeasible) to radiation, and by requiring in Public Law 97–414 [see Tables for classification], the development of radioepidemiological tables setting forth the probabilities of causation between various cancers and exposure to radiation.

“(5) There is some evidence that most types of leukemia, malignancies of the thyroid, female breast, lung, bone, liver, and skin, and polycythemia vera are associated with exposure to certain levels of ionizing radiation.

“(6) As of the date of the enactment of this Act [Oct. 24, 1984], there are sixty-six federally sponsored research projects being conducted relating to herbicides containing dioxin, at a cost to the Federal Government in excess of \$130,000,000 and, as of 1981, federally sponsored research projects relating to ionizing radiation were costing the Federal Government more than \$115,000,000.

“(7) The initial results of one project—an epidemiological study, conducted by the United States Air Force School of Aerospace Medicine, of the health status of the ‘Ranch Hand’ veterans who carried out the loading and aerial spraying of herbicides containing dioxin in Vietnam and in the process came into direct skin contact with such herbicides in their most concentrated liquid form—were released on February 24, 1984, and contained the conclusion ‘that there is insufficient evidence to support a cause and effect relationship between herbicide exposure and adverse health in the Ranch Hand group at this time’.

“(8) The ‘film badges’ which were originally issued to members of the Armed Forces in connection with

the atmospheric nuclear test program have previously constituted a primary source of dose information for veterans (and survivors of veterans) filing claims for Veterans’ Administration [now Department of Veterans Affairs] disability compensation or dependency and indemnity compensation in connection with exposure to radiation.

“(9) These film badges often provide an incomplete measure of radiation exposure, since they were not capable of recording inhaled, ingested, or neutron doses (although the Defense Nuclear Agency currently has the capability to reconstruct individual estimates of such doses), were not issued to most of the participants in nuclear tests, often provided questionable readings because they were shielded during the detonation, and were worn for only limited periods during and after each nuclear detonation.

“(10) Standards governing the reporting of dose estimates in connection with radiation-related claims for Veterans’ Administration [now Department of Veterans Affairs] disability compensation vary among the several branches of the Armed Forces, and no uniform minimum standards exist.

“(11) The Veterans’ Administration [now Department of Veterans Affairs] has not promulgated permanent regulations setting forth specific guidelines, standards, and criteria for the adjudication of claims for Veterans’ Administration disability compensation based on exposure to herbicides containing dioxin or to ionizing radiation.

“(12) Such claims (especially those involving health effects with long latency periods) present adjudicatory issues which are significantly different from issues generally presented in claims based upon the usual types of injuries incurred in military service.

“(13) It has always been the policy of the Veterans’ Administration [now Department of Veterans Affairs] and is the policy of the United States, with respect to individual claims for service connection of diseases and disabilities, that when, after consideration of all evidence and material of record, there is an approximate balance of positive and negative evidence regarding the merits of an issue material to the determination of a claim, the benefit of the doubt in resolving each such issue shall be given to the claimant.

“PURPOSE

“SEC. 3. The purpose of this Act is to ensure that Veterans’ Administration [now Department of Veterans Affairs] disability compensation is provided to veterans who were exposed to ionizing radiation in connection with atmospheric nuclear tests or in connection with the American occupation of Hiroshima or Nagasaki, Japan, for all disabilities arising after that service that are connected, based on sound scientific and medical evidence, to such service (and that Veterans’ Administration dependency and indemnity compensation is provided to survivors of those veterans for all deaths resulting from such disabilities).”

[Amendment by Pub. L. 102–4 to sections 2 and 3 of Pub. L. 98–542, set out above, effective at the end of the six-month period beginning on Feb. 6, 1991, except as otherwise provided, see section 10(e) of Pub. L. 102–4, set out below under sections 5 to 7 of Pub. L. 98–542.]

REQUIREMENT FOR AND CONTENT OF REGULATIONS; ADVISORY COMMITTEE ON ENVIRONMENTAL STANDARDS; NUCLEAR RADIATION MATTERS INVOLVING OTHER AGENCIES

Sections 5–7 of Pub. L. 98–542, as amended by Pub. L. 100–321, § 2(c), May 20, 1988, 102 Stat. 486; Pub. L. 102–4, § 10(c), (d), Feb. 6, 1991, 105 Stat. 19, 20; Pub. L. 102–83, § 5(c)(2), Aug. 6, 1991, 105 Stat. 406, provided that:

“REQUIREMENT FOR AND CONTENT OF REGULATIONS

“SEC. 5. (a) In carrying out the responsibilities of the Administrator of Veterans’ Affairs [now Secretary of Veterans Affairs] under section 1154(a)(2) [formerly

354(a)(2)] of title 38, United States Code, and in order to promote consistency in claims processing and decisions, the Administrator shall prescribe regulations to—

“(1) establish guidelines and (where appropriate) standards and criteria for the resolution of claims for benefits under laws administered by the Veterans' Administration [now Department of Veterans Affairs] where the criteria for eligibility for a benefit include a requirement that a death or disability be service connected and the claim of service connection is based on a veteran's exposure during service in connection with such veteran's participation in atmospheric nuclear tests or with the American occupation of Hiroshima or Nagasaki, Japan, prior to July 1, 1946, to ionizing radiation from the detonation of a nuclear device; and

“(2) ensure that, with respect to those claims, the policy of the United States described in section 2(13) [set out above] is carried out.

“(b)(1)(A) The guidelines required to be established in regulations prescribed under this section shall include guidelines governing the evaluation of the findings of scientific studies relating to the possible increased risk of adverse health effects of exposure to ionizing radiation. Those guidelines shall require that, in the evaluation of those studies, the Administrator [now Secretary] shall take into account whether the results are statistically significant, are capable of replication, and withstand peer review.

“(B) The evaluations described in subparagraph (A) shall be made by the Administrator of Veterans' Affairs [now Secretary of Veterans Affairs] after receiving the advice of the Scientific Council of the Veterans' Advisory Committee on Environmental Hazards (established under section 6). Those evaluations shall be published in the notice section of the Federal Register.

“(C) The standards and criteria required to be established in regulations prescribed under this section shall include provisions governing the use in the adjudication of individual claims of the Administrator's [now Secretary's] evaluations made under subparagraph (B).

“(2)(A)(i) In prescribing regulations under this section, the Administrator [now Secretary] (after receiving the advice of the Advisory Committee and of the Scientific Council of the Veterans' Advisory Committee on Environmental Hazards regarding the diseases described in subparagraph (B)) shall make determinations, based on sound medical and scientific evidence, with respect to each disease described in subparagraph (B) as to whether service connection shall, subject to division (ii) of this subparagraph, be granted in the adjudication of individual cases. In making determinations regarding such diseases, the Administrator shall give due regard to the need to maintain the policy of the United States with respect to the resolution of contested issues as set forth in section 2(13) [set out above]. The Administrator shall set forth in such regulations such determinations, with any specification (relating to exposure or other relevant matter) of limitations on the circumstances under which service connection shall be granted, and shall implement such determinations in accordance with such regulations.

“(ii) If the Administrator [now Secretary] makes a determination, pursuant to this subparagraph, that service connection shall be granted in the case of a disease described in subparagraph (B), the Administrator shall specify in such regulations that, in the adjudication of individual cases, service connection shall not be granted where there is sufficient affirmative evidence to the contrary or evidence to establish that an intercurrent injury or disease which is a recognized cause of the described disease has been suffered between the date of separation from service and the onset of such disease or that the disability is due to the veteran's own willful misconduct.

“(iii) With regard to each disease described in subparagraph (B), the Administrator [now Secretary] shall include in the regulations prescribed under this section provisions specifying the factors to be considered in ad-

judicating issues relating to whether or not service connection should be granted in individual cases and the circumstances governing the granting of service connection for such disease.

“(B) The diseases referred to in subparagraph (A) are those specified in section 2(5) [set out above] and any other disease with respect to which the Administrator [now Secretary] finds (after receiving and considering the advice of the Scientific Council established under section 6(d)(2)) that there is sound scientific or medical evidence indicating a connection to exposure to ionizing radiation, in the case of a veteran who was exposed to ionizing radiation in connection with such veteran's participation in an atmospheric nuclear test or with the American occupation of Hiroshima or Nagasaki, Japan, before July 1, 1946.

“(3) The regulations prescribed under this section shall include—

“(A) specification of the maximum period of time after exposure to such ionizing radiation for the development of those diseases; and

“(B) a requirement that a claimant filing a claim based upon a veteran's exposure to ionizing radiation from the detonation of a nuclear device may not be required to produce evidence substantiating the veteran's exposure during active military, naval, or air service if the information in the veteran's service records and other records of the Department of Defense is not inconsistent with the claim that the veteran was present where and when the claimed exposure occurred.

“(c)(1) The Administrator of Veterans' Affairs [now Secretary of Veterans Affairs] shall develop the regulations required by this section (and any amendment to those regulations) through a public review and comment process in accordance with the provisions of section 553 of title 5, United States Code. That process may include consideration by the Administrator of the recommendations of the Veterans' Advisory Committee on Environmental Hazards and the Scientific Council thereof (established under section 6) with respect to the proposed regulations, and that process shall include consideration by the Administrator of the recommendations of the Committee and the Council with respect to the final regulations and proposed and final amendments to such regulations. The period for public review and comment shall be completed not later than ninety days after the proposed regulations or proposed amendments are published in the Federal Register.

“(2)(A) Not later than one hundred and eighty days after the date of the enactment of this Act [Oct. 24, 1984], the Administrator [now Secretary] shall develop and publish in the Federal Register a proposed version of the regulations required to be prescribed by this section.

“(B) Not later than three hundred days after the date of the enactment of this Act [Oct. 24, 1984], the Administrator [now Secretary] shall publish in the Federal Register the final regulations (together with explanations of the bases for the guidelines, standards, and criteria contained therein) required to be prescribed by this section.

“ADVISORY COMMITTEE ON ENVIRONMENTAL HAZARDS

“SEC. 6. (a) The advisory committee referred to in subsections (b) and (c) of section 5, to be known as the Veterans' Advisory Committee on Environmental Hazards (hereinafter in this section referred to as the ‘Committee’) shall consist of nine members appointed by the Administrator of Veterans' Affairs [now Secretary of Veterans Affairs] after requesting and considering recommendations from veteran organizations, including—

“(1) six individuals (of whom none may be members of the Armed Forces on active duty or employees of the Veterans' Administration [now Department of Veterans Affairs] or the Department of Defense and not more than three may be employees of other Federal departments or agencies), appointed, after requesting and considering the recommendations of the

heads of Federal entities with particular expertise in biomedical and environmental science, including—

“(A) three individuals who are recognized medical or scientific authorities in fields pertinent to understanding the health effects of exposure to ionizing radiation; and

“(B) three individuals who are recognized medical or scientific authorities in fields, such as epidemiology and other scientific disciplines, pertinent to determining and assessing the health effects of exposure to ionizing radiation in exposed populations; and

“(2) three individuals from the general public, including at least one disabled veteran, having a demonstrated interest in and experience relating to veterans' concerns regarding exposure to ionizing radiation.

“(b) The Committee shall include, as ex officio, non-voting members, the Chief Medical Director and the Chief Benefits Director of the Veterans' Administration [now Under Secretary for Health and Under Secretary for Benefits of the Department of Veterans Affairs], or their designees.

“(c) The Committee shall submit to the Administrator [now Secretary] any recommendations it considers appropriate for administrative or legislative action.

“(d)(1) The six members of the Committee described in subsection (a)(1) shall, in addition to serving as members of the Committee, constitute a Scientific Council of the Committee (hereinafter in this section referred to as the ‘Council’).

“(2) The Council shall have responsibility for evaluating scientific studies relating to possible adverse health effects of exposure to ionizing radiation.

“(3) The Council shall make findings and evaluations regarding pertinent scientific studies and shall submit to the Committee, the Administrator [now Secretary], and the Committees on Veterans' Affairs of the Senate and House of Representatives directly periodic reports on such findings and evaluations.

“(e) The Administrator [now Secretary] shall designate one of the members to chair the Committee and another member to chair the Council.

“(f) The Administrator [now Secretary] shall determine the terms of service and pay and allowances of members of the Committee, except that a term of service of any member may not exceed three years. The Administrator may reappoint any member for additional terms of service.

“(g) The Administrator [now Secretary] shall provide administrative support services and fiscal support for the Committee.

“NUCLEAR RADIATION MATTERS INVOLVING OTHER AGENCIES

“SEC. 7. (a) In connection with the duties of the Director of the Defense Nuclear Agency, as Department of Defense Executive Agent for the Nuclear Test Personnel Review Program, relating to the preparation of radiation dose estimates with regard to claims for Veterans' Administration [now Department of Veterans Affairs] disability compensation and dependency and indemnity compensation under chapters 11 and 13, respectively, of title 38, United States Code—

“(1) the Secretary of Defense shall prescribe guidelines (and any amendment to those guidelines) through a public review and comment process in accordance with the provisions of section 553 of title 5, United States Code—

“(A) specifying the minimum standards governing the preparation of radiation dose estimates in connection with claims for such compensation,

“(B) making such standards uniformly applicable to the several branches of the Armed Forces, and

“(C) requiring that each such estimate furnished to the Veterans' Administration [now Department of Veterans Affairs] and to any veteran or survivor include information regarding all material aspects of the radiation environment to which the veteran was exposed and which form the basis of the claim, including inhaled, ingested, and neutron doses; and

“(2) the Secretary of Health and Human Services, through the Director of the National Institutes of Health, shall—

“(A) conduct a review of the reliability and accuracy of scientific and technical devices and techniques (such as ‘whole body counters’) which may be useful in determining previous radiation exposure;

“(B) submit to the Administrator of Veterans' Affairs [now Secretary of Veterans Affairs] and the Committees on Veterans' Affairs of the House of Representatives and the Senate, not later than July 1, 1985, a report regarding the results of such review, including information concerning the availability of such devices and techniques, the categories of exposed individuals as to whom use of such devices and techniques may be appropriate, and the reliability and accuracy of dose estimates which may be derived from such devices and techniques; and

“(C) enter into an interagency agreement with the Administrator of Veterans' Affairs [now Secretary of Veterans Affairs] for the purpose of assisting the Administrator in identifying agencies or other entities capable of furnishing services involving the use of such devices and techniques.

“(b) The Administrator of Veterans' Affairs [now Secretary of Veterans Affairs], in resolving material differences between a radiation dose estimate, from a credible source, submitted by a veteran or survivor and a radiation dose estimate prepared and transmitted by the Director of the Defense Nuclear Agency, shall provide for the preparation of a radiation dose estimate by an independent expert, who shall be selected by the Director of the National Institutes of Health and who shall not be affiliated with the Defense Nuclear Agency, and the Administrator shall provide for the consideration of such independent estimate in connection with the adjudication of the claim for Veterans' Administration [now Department of Veterans Affairs] compensation.”

[Pub. L. 102-4, §10(e), Feb. 6, 1991, 105 Stat. 20, as amended by Pub. L. 102-86, title V, §503(b)(2), Aug. 14, 1991, 105 Stat. 425, provided that:

[“(1) Except as provided in paragraph (2), the amendments made by this section [amending sections 2 and 3 of Pub. L. 98-542, set out above, and sections 5 and 6 of Pub. L. 98-542, set out above] shall take effect at the end of the two-month period beginning on the date of the enactment of the Veterans' Benefits Programs Improvement Act of 1991 [Aug. 14, 1991].

[“(2)(A) If the Secretary of Veterans Affairs determines before the end of such period that the Environmental Hazards Advisory Committee established under section 6 of Public Law 98-542 (38 U.S.C. 354 note) [set out above] has completed its responsibilities under that section and the directives of the Secretary pursuant to the Nehmer case court order, the amendments made by this section shall take effect as of the date of such determination.

[“(B) For purposes of this paragraph, the term ‘Nehmer case court order’ means the court order dated May 2, 1989, in the case of *Nehmer v. Department of Veterans Affairs*, in the United States district court for the northern district of California (civil action docket number C-86-6160 TEH).

[“(3) If the Secretary makes a determination under paragraph (2), the Secretary shall promptly publish in the Federal Register a notice that such determination has been made and that such amendments have thereby taken effect as of the date of such determination.”]

IDENTIFICATION OF ACTIVITIES INVOLVING EXPOSURE TO IONIZING RADIATION BEFORE JANUARY 1, 1970

Section 10 of Pub. L. 98-542, as added by Pub. L. 102-578, §3, Oct. 30, 1992, 106 Stat. 4774, provided that:

“(a) IN GENERAL.—(1) In order to determine whether activities (other than the tests or occupation activities referred to in section 5(a)(1)(B) [probably means section 5(a)(1), set out above]) resulted in the exposure of veter-

ans to ionizing radiation during the service of such veterans that occurred before January 1, 1970, and whether adverse health effects have been observed or may have resulted from such exposure in a significant number of such veterans, the Advisory Committee established under section 6 [set out above] shall—

“(A) review all available scientific studies and other relevant information relating to the exposure of such veterans to ionizing radiation during such service;

“(B) identify any activity during which significant numbers of veterans received exposure; and

“(C) on the basis of such review, submit to the Secretary of Veterans Affairs a report containing the recommendation of the Advisory Committee on the feasibility and appropriateness for the purpose of the determination under this paragraph of any additional investigation with respect to any activity of such veterans during such service.

“(2) Upon the request of the Advisory Committee, the Secretary of Veterans Affairs (after seeking such assistance from the Secretary of Defense as is necessary and appropriate) shall make available to the Advisory Committee records and other information relating to the service referred to in paragraph (1) that may assist the Advisory Committee in carrying out the review and recommendation referred to in that paragraph.

“(3) The Advisory Committee shall submit to the Secretary of Veterans Affairs the report referred to in paragraph (1)(C) not later than August 1, 1993.

“(b) INVESTIGATION PLAN AND REPORT.—(1) Upon receipt of the report referred to in subparagraph (C) of subsection (a)(1), the Secretary of Veterans Affairs shall—

“(A) identify which of the activities referred to in that subparagraph, if any, that the Secretary intends to investigate more fully for the purpose of making the determination referred to in that subsection; and

“(B) prepare a plan (including a deadline for the plan) to carry out that investigation and make that determination.

“(2) Not later than December 1, 1993, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report containing—

“(A) a list of the activities identified by the Secretary pursuant to paragraph (1)(A) and the basis of such identification;

“(B) a copy of the report of the Advisory Committee referred to in subsection (a)(1)(C); and

“(C) the plan referred to in paragraph (1)(B).”

INTERIM BENEFITS FOR DISABILITY OR DEATH IN CERTAIN CASES

Section 9 of Pub. L. 98-542 provided for payment of interim monthly disability benefits to veterans who had served in Vietnam during Vietnam era and who had diseases chloracne and porphyria cutanea tarda which manifested themselves within one year after date of veteran's most recent departure from Vietnam, but with no such interim benefits to be paid after Sept. 30, 1986.

RADIATION EXPOSURE STUDY AND GUIDE

Pub. L. 98-160, title VI, Nov. 21, 1983, 97 Stat. 1006, as amended by Pub. L. 98-542, §8(b), Oct. 24, 1984, 98 Stat. 2732, provided for the conduct of an epidemiological study of long-term adverse health effects of exposure to ionizing radiation from detonation of nuclear devices in connection with tests of such devices or in connection with occupation of Hiroshima and Nagasaki, Japan, between Sept. 11, 1945, and July 1, 1946, and provided for reports to Congress on studies made together with recommendations as to necessary legislation.

§ 1155. Authority for schedule for rating disabilities

The Secretary shall adopt and apply a schedule of ratings of reductions in earning capacity

from specific injuries or combination of injuries. The ratings shall be based, as far as practicable, upon the average impairments of earning capacity resulting from such injuries in civil occupations. The schedule shall be constructed so as to provide ten grades of disability and no more, upon which payments of compensation shall be based, namely, 10 percent, 20 percent, 30 percent, 40 percent, 50 percent, 60 percent, 70 percent, 80 percent, 90 percent, and total, 100 percent. The Secretary shall from time to time readjust this schedule of ratings in accordance with experience. However, in no event shall such a readjustment in the rating schedule cause a veteran's disability rating in effect on the effective date of the readjustment to be reduced unless an improvement in the veteran's disability is shown to have occurred.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1125, §355; Pub. L. 98-223, title I, §101(c), Mar. 2, 1984, 98 Stat. 38; renumbered §1155 and amended Pub. L. 102-83, §§4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404-406; Pub. L. 102-86, title I, §103(a), Aug. 14, 1991, 105 Stat. 414.)

AMENDMENTS

1991—Pub. L. 102-86 amended this section as in effect before the redesignations made by Pub. L. 102-83, §5, by inserting at end “However, in no event shall such a readjustment in the rating schedule cause a veteran's disability rating in effect on the effective date of the readjustment to be reduced unless an improvement in the veteran's disability is shown to have occurred.”

Pub. L. 102-83, §5(a), renumbered section 355 of this title as this section.

Pub. L. 102-83, §4(b)(1), (2)(E), substituted “Secretary” for “Administrator” in two places.

1984—Pub. L. 98-223 substituted “percent” for “per centum” wherever appearing.

EFFECTIVE DATE OF 1991 AMENDMENT

Section 103(b) of Pub. L. 102-86 provided that: “The amendment made by subsection (a) [amending this section] shall apply with regard to changes in rating schedules that take effect after the date of the enactment of this Act [Aug. 14, 1991].”

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-223 effective Apr. 1, 1984, see section 107 of Pub. L. 98-223, set out as a note under section 1114 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 502, 7252, 7292 of this title.

[§ 1156. Vacant]

CODIFICATION

Prior to renumbering of sections 301 to 363 of this chapter as sections 1101 to 1163 by Pub. L. 102-83, §5(a), Aug. 6, 1991, 105 Stat. 406, section 356 of this chapter, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1125, which provided for a minimum rating for veterans with arrested tuberculosis, was repealed by Pub. L. 90-493, §4, Aug. 19, 1968, 82 Stat. 809, but repeal not applicable in case of veteran who on Aug. 19, 1968, was receiving or entitled to receive compensation for tuberculosis which in the judgment of the Administrator had reached a condition of complete arrest.

§ 1157. Combination of certain ratings

The Secretary shall provide for the combination of ratings and pay compensation at the

rates prescribed in subchapter II of this chapter to those veterans who served during a period of war and during any other time, who have suffered disability in line of duty in each period of service.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1125, §357; renumbered §1157 and amended Pub. L. 102-83, §§4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404-406.)

AMENDMENTS

1991—Pub. L. 102-83, §5(a), renumbered section 357 of this title as this section.

Pub. L. 102-83, §4(b)(1), (2)(E), substituted "Secretary" for "Administrator".

§ 1158. Disappearance

Where a veteran receiving compensation under this chapter disappears, the Secretary may pay the compensation otherwise payable to the veteran to such veteran's spouse, children, and parents. Payments made to such spouse, child, or parent under the preceding sentence shall not exceed the amounts payable to each if the veteran had died from service-connected disability.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1125, §358; Pub. L. 86-212, Sept. 1, 1959, 73 Stat. 436; Pub. L. 94-433, title IV, §404(21), Sept. 30, 1976, 90 Stat. 1379; renumbered §1158 and amended Pub. L. 102-83, §§4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404-406.)

AMENDMENTS

1991—Pub. L. 102-83, §5(a), renumbered section 358 of this title as this section.

Pub. L. 102-83, §4(b)(1), (2)(E), substituted "Secretary" for "Administrator".

1976—Pub. L. 94-433 struck out "in his discretion," after "Administrator" and substituted "such veteran's spouse" for "his wife" and "such spouse" for "a wife".

1959—Pub. L. 86-212 substituted "a veteran" for "an incompetent veteran".

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-433 effective Oct. 1, 1976, see section 406 of Pub. L. 94-433, set out as a note under section 1101 of this title.

§ 1159. Protection of service connection

Service connection for any disability or death granted under this title which has been in force for ten or more years shall not be severed on or after January 1, 1962, except upon a showing that the original grant of service connection was based on fraud or it is clearly shown from military records that the person concerned did not have the requisite service or character of discharge. The mentioned period shall be computed from the date determined by the Secretary as the date on which the status commenced for rating purposes.

(Added Pub. L. 86-501, §1, June 10, 1960, 74 Stat. 195, §359; amended Pub. L. 87-825, §6, Oct. 15, 1962, 76 Stat. 950; renumbered §1159 and amended Pub. L. 102-83, §§4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404-406.)

AMENDMENTS

1991—Pub. L. 102-83, §5(a), renumbered section 359 of this title as this section.

Pub. L. 102-83, §4(b)(1), (2)(E), substituted "Secretary" for "Administrator".

1962—Pub. L. 87-825 provided for computation of the period from the date the administrator determines as the date the status commenced for rating purposes.

EFFECTIVE DATE OF 1962 AMENDMENT

Amendment by Pub. L. 87-825 effective first day of second calendar month which begins after Oct. 15, 1962, see section 7 of Pub. L. 87-825, set out as a note under section 110 of this title.

§ 1160. Special consideration for certain cases of loss of paired organs or extremities

(a) Where a veteran has suffered—

(1) blindness in one eye as a result of service-connected disability and blindness in the other eye as a result of non-service-connected disability not the result of the veteran's own willful misconduct;

(2) the loss or loss of use of one kidney as a result of service-connected disability and involvement of the other kidney as a result of non-service-connected disability not the result of the veteran's own willful misconduct;

(3) total deafness in one ear as a result of service-connected disability and total deafness in the other ear as the result of non-service-connected disability not the result of the veteran's own willful misconduct;

(4) the loss or loss of use of one hand or one foot as a result of service-connected disability and the loss or loss of use of the other hand or foot as a result of non-service-connected disability not the result of the veteran's own willful misconduct; or

(5) permanent service-connected disability of one lung, rated 50 percent or more disabling, in combination with a non-service-connected disability of the other lung that is not the result of the veteran's own willful misconduct,

the Secretary shall assign and pay to the veteran the applicable rate of compensation under this chapter as if the combination of disabilities were the result of service-connected disability.

(b) If a veteran described in subsection (a) of this section receives any money or property of value pursuant to an award in a judicial proceeding based upon, or a settlement or compromise of, any cause of action for damages for the non-service-connected disability described in such subsection, the increase in the rate of compensation otherwise payable under this section shall not be paid for any month following a month in which any such money or property is received until such time as the total of the amount of such increase that would otherwise have been payable equals the total of the amount of any such money received and the fair market value of any such property received.

(Added Pub. L. 87-610, §1, Aug. 28, 1962, 76 Stat. 406, §360; amended Pub. L. 89-311, §3(a), (b), Oct. 31, 1965, 79 Stat. 1155; Pub. L. 94-433, title IV, §404(22), Sept. 30, 1976, 90 Stat. 1379; Pub. L. 98-160, title VII, §702(3), Nov. 21, 1983, 97 Stat. 1009; Pub. L. 99-576, title I, §109(a)(1), Oct. 28, 1986, 100 Stat. 3253; renumbered §1160 and amended Pub. L. 102-83, §§4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404-406.)

AMENDMENTS

1991—Pub. L. 102-83, §5(a), renumbered section 360 of this title as this section.

Subsec. (a). Pub. L. 102-83, §4(b)(1), (2)(E), substituted "Secretary" for "Administrator" in concluding provisions.

1986—Pub. L. 99-576 amended section generally, substituting "loss of paired organs or extremities" for "blindness or bilateral kidney involvement or bilateral deafness" in section catchline. Prior to amendment, text of section read as follows: "Where any veteran (1) has suffered blindness in one eye as a result of service-connected disability and has suffered blindness in the other eye as a result of non-service-connected disability not the result of such veteran's own willful misconduct, or (2) has suffered the loss or loss of use of one kidney as a result of service-connected disability, and has suffered severe involvement of the other kidney such as to cause total disability, as a result of non-service-connected disability not the result of such veteran's own willful misconduct, or (3) has suffered total deafness in one ear as a result of service-connected disability and has suffered total deafness in the other ear as the result of non-service-connected disability not the result of such veteran's own willful misconduct, the Administrator shall assign and pay to the veteran concerned the applicable rate of compensation under this chapter as if such veteran's blindness in both eyes or such bilateral kidney involvement were the result of service-connected disability."

1983—Pub. L. 98-160 substituted "(1) has suffered" for "has suffered (1)".

1976—Pub. L. 94-433 substituted "such veteran's" for "his" wherever appearing.

1965—Pub. L. 89-311 added cl. (3) referring to total deafness in one ear as a result of service-connected disability and total deafness in the other ear as the result of non-service-connected disability not the result of his own willful misconduct, inserted reference to total deafness in both ears and, in section catchline, inserted reference to bilateral deafness.

EFFECTIVE DATE OF 1986 AMENDMENT

Section 109(c) of Pub. L. 99-576 provided that:

"(1) Except as provided in paragraph (2), the amendments made by this section [amending this section and section 314 [now 1114] of this title] shall take effect on the date of the enactment of this Act [Oct. 28, 1986].

"(2) In the case of an award of compensation for a disability described in clause (1), (2), (3), or (5) of subsection (a) of section 360 [now 1160] of title 38, United States Code, as amended by subsection (a) of this section, subsection (b) of such section shall apply only to awards of compensation made on or after the date of the enactment of this Act [Oct. 28, 1986]."

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-433 effective Oct. 1, 1976, see section 406 of Pub. L. 94-433, set out as a note under section 1101 of this title.

EFFECTIVE DATE OF 1965 AMENDMENT

Amendment by Pub. L. 89-311 effective first day of second calendar month following Oct. 31, 1965, see section 9 of Pub. L. 89-311, set out as a note under section 1114 of this title.

§ 1161. Payment of disability compensation in disability severance cases

The deduction of disability severance pay from disability compensation, as required by section 1212(c) of title 10, shall be made at a monthly rate not in excess of the rate of compensation to which the former member would be entitled based on the degree of such former member's disability as determined on the initial Department rating.

(Added Pub. L. 91-241, May 7, 1970, 84 Stat. 203, §361; amended Pub. L. 94-433, title IV, §404(23), Sept. 30, 1976, 90 Stat. 1379; Pub. L. 98-160, title

VII, §702(4), Nov. 21, 1983, 97 Stat. 1009; renumbered §1161 and amended Pub. L. 102-83, §§4(a)(3), (4), 5(a), Aug. 6, 1991, 105 Stat. 404, 406.)

AMENDMENTS

1991—Pub. L. 102-83, §5(a), renumbered section 361 of this title as this section.

Pub. L. 102-83, §4(a)(3), (4), substituted "Department" for "Veterans' Administration".

1983—Pub. L. 98-160 struck out "United States Code," after "title 10,".

1976—Pub. L. 94-433 substituted "such former member's" for "his".

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-433 effective Oct. 1, 1976, see section 406 of Pub. L. 94-433, set out as a note under section 1101 of this title.

§ 1162. Clothing allowance

The Secretary under regulations which the Secretary shall prescribe, shall pay a clothing allowance of \$478 per year to each veteran who—

(1) because of a service-connected disability, wears or uses a prosthetic or orthopedic appliance (including a wheelchair) which the Secretary determines tends to wear out or tear the clothing of the veteran; or

(2) uses medication which (A) a physician has prescribed for a skin condition which is due to a service-connected disability, and (B) the Secretary determines causes irreparable damage to the veteran's outer garments.

(Added Pub. L. 92-328, title I, §103(a), June 30, 1972, 86 Stat. 394, §362; amended Pub. L. 94-71, title I, §103, Aug. 5, 1975, 89 Stat. 396; Pub. L. 94-433, title III, §301, title IV, §404(24), Sept. 30, 1976, 90 Stat. 1377, 1379; Pub. L. 95-117, title III, §301, Oct. 3, 1977, 91 Stat. 1065; Pub. L. 95-479, title I, §103, Oct. 18, 1978, 92 Stat. 1562; Pub. L. 96-128, title I, §103, Nov. 28, 1979, 93 Stat. 984; Pub. L. 96-385, title I, §103, Oct. 7, 1980, 94 Stat. 1529; Pub. L. 97-66, title I, §103, Oct. 17, 1981, 95 Stat. 1027; Pub. L. 97-253, title IV, §405(d), Sept. 8, 1982, 96 Stat. 804; Pub. L. 97-306, title I, §§103, 107, Oct. 14, 1982, 96 Stat. 1430, 1431; Pub. L. 98-223, title I, §103, Mar. 2, 1984, 98 Stat. 38; Pub. L. 98-543, title I, §103, Oct. 24, 1984, 98 Stat. 2736; Pub. L. 99-238, title I, §103, Jan. 13, 1986, 99 Stat. 1766; Pub. L. 99-576, title I, §103, Oct. 28, 1986, 100 Stat. 3251; Pub. L. 100-227, title I, §103, Dec. 31, 1987, 101 Stat. 1553; Pub. L. 100-687, div. B, title XI, §1103, Nov. 18, 1988, 102 Stat. 4124; Pub. L. 101-237, title I, §§103, 112, Dec. 18, 1989, 103 Stat. 2063, 2065; Pub. L. 102-3, §4, Feb. 6, 1991, 105 Stat. 8; renumbered §1162, Pub. L. 102-83, §5(a), Aug. 6, 1991, 105 Stat. 406; Pub. L. 102-152, §4, Nov. 12, 1991, 105 Stat. 986; Pub. L. 103-78, §3, Aug. 13, 1993, 107 Stat. 768; Pub. L. 103-140, §4, Nov. 11, 1993, 107 Stat. 1486.)

AMENDMENTS

1993—Pub. L. 103-140 substituted "\$478" for "\$466".

Pub. L. 103-78 substituted "\$466" for "\$452".

1991—Pub. L. 102-152 substituted "\$452" for "\$436".

Pub. L. 102-83 renumbered section 362 of this title as this section.

Pub. L. 102-3 substituted "\$436" for "\$414".

1989—Pub. L. 101-237, §112, substituted "Secretary under" for "Administrator under" and "Secretary shall" for "Administrator shall", and substituted "who—" and pars. (1) and (2) for "who because of disability which is compensable under the provisions of

this chapter, wears or uses prosthetic or orthopedic appliance or appliances (including a wheelchair) which the Administrator determines tends to wear out or tear the clothing of such a veteran."

Pub. L. 101-237, §103, substituted "\$414" for "\$395".
 1988—Pub. L. 100-687 substituted "\$395" for "\$380".
 1987—Pub. L. 100-227 substituted "\$380" for "\$365".
 1986—Pub. L. 99-576 substituted "\$365" for "\$360".
 Pub. L. 99-238 substituted "\$360" for "\$349".
 1984—Pub. L. 98-543 substituted "\$349" for "\$338".
 Pub. L. 98-223 substituted "\$338" for "\$327".
 1982—Pub. L. 97-306, §§103, 107, 108, substituted "\$327" for "\$305" and repealed amendment made by Pub. L. 97-253, §405(d), eff. Oct. 1, 1982.

Pub. L. 97-253, §405(d), (h), eff. Jan. 1, 1983, substituted "\$304" for "\$305" after "clothing allowance of".

1981—Pub. L. 97-66 substituted "\$305" for "\$274".
 1980—Pub. L. 96-385 substituted "\$274" for "\$240".
 1979—Pub. L. 96-128 substituted "\$240" for "\$218".
 1978—Pub. L. 95-479 substituted "\$218" for "\$203".
 1977—Pub. L. 95-117 substituted "\$203" for "\$190".
 1976—Pub. L. 94-433, §§301, 404(24), substituted "\$190" for "\$175" and "the Administrator shall prescribe" for "he shall prescribe".
 1975—Pub. L. 94-71 substituted \$175 for \$150.

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103-140 effective Dec. 1, 1993, see section 7 of Pub. L. 103-140, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1991 AMENDMENTS

Amendment by Pub. L. 102-152 effective Dec. 1, 1991, see section 7 of Pub. L. 102-152, set out as a note under section 1114 of this title.

Amendment by Pub. L. 102-3 effective Jan. 1, 1991, see section 7 of Pub. L. 102-3, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1989 AMENDMENT

Amendment by section 103 of Pub. L. 101-237 effective Dec. 1, 1989, see section 106 of Pub. L. 101-237, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-687 effective Dec. 1, 1988, see section 1106 of Pub. L. 100-687, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1987 AMENDMENT

Amendment by Pub. L. 100-227 effective Dec. 1, 1987, see section 107 of Pub. L. 100-227, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1986 AMENDMENTS

Amendment by Pub. L. 99-576 effective Dec. 1, 1986, but not effective unless benefit amounts payable under section 401 et seq. of Title 42, The Public Health and Welfare, are increased effective Dec. 1, 1986, as a result of a determination under section 415(i) of Title 42, see section 107 of Pub. L. 99-576, set out as a note under section 1114 of this title.

Amendment by Pub. L. 99-238 effective Dec. 1, 1985, see section 107 of Pub. L. 99-238, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1984 AMENDMENTS

Amendment by Pub. L. 98-543 effective Dec. 1, 1984, see section 107 of Pub. L. 98-543, set out as a note under section 1114 of this title.

Amendment by Pub. L. 98-223 effective Apr. 1, 1984, see section 107 of Pub. L. 98-223, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97-306 effective Oct. 1, 1982, see section 108 of Pub. L. 97-306, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-66 effective Oct. 1, 1981, see section 701(a) of Pub. L. 97-66, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-385 applicable only to payments for months beginning after Sept. 30, 1980, see section 601(a) of Pub. L. 96-385, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-128 effective Oct. 1, 1979, see section 601(a)(1) of Pub. L. 96-128, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-479 effective Oct. 1, 1978, see section 401(a) of Pub. L. 95-479, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-117 effective Oct. 1, 1977, see section 501 of Pub. L. 95-117, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-433 effective Oct. 1, 1976, see section 406 of Pub. L. 94-433, set out as a note under section 1101 of this title.

EFFECTIVE DATE OF 1975 AMENDMENT

Amendment by Pub. L. 94-71 effective Aug. 1, 1975, see section 301 of Pub. L. 94-71, set out as a note under section 1114 of this title.

EFFECTIVE DATE

Section effective first day of second calendar month which begins after June 30, 1972, see section 301(a) of Pub. L. 92-328, set out as an Effective Date of 1972 Amendment note under section 1114 of this title.

REPEAL

Section 405(d) of Pub. L. 97-253, cited as a credit to this section, was repealed by Pub. L. 97-306, §§107, 108, Oct. 14, 1982, 96 Stat. 1431, 1432, eff. Oct. 1, 1982.

DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION RATE INCREASES

For increases in rates and limitations on Department of Veterans Affairs disability compensation and dependency and indemnity compensation, see notes set out under section 1114 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5313A of this title.

§ 1163. Trial work periods and vocational rehabilitation for certain veterans with total disability ratings

(a)(1) The disability rating of a qualified veteran who begins to engage in a substantially gainful occupation after January 31, 1985, may not be reduced on the basis of the veteran having secured and followed a substantially gainful occupation unless the veteran maintains such an occupation for a period of 12 consecutive months.

(2) For purposes of this section, the term "qualified veteran" means a veteran who has a service-connected disability, or service-connected disabilities, not rated as total but who has been awarded a rating of total disability by

reason of inability to secure or follow a substantially gainful occupation as a result of such disability or disabilities.

(b) The Secretary shall make counseling services described in section 3104(a)(2) of this title and placement and postplacement services described in section 3104(a)(5) of this title available to each qualified veteran (whether or not the veteran is participating in a vocational rehabilitation program under chapter 31 of this title).

(c)(1) In the case of each award after January 31, 1985, of a rating of total disability described in subsection (a)(2) of this section to a veteran, the Secretary shall provide to the veteran, at the time that notice of the award is provided to the veteran, a statement providing—

(A) notice of the provisions of this section;

(B) information explaining the purposes and availability of and eligibility for, and the procedures for pursuing, a vocational rehabilitation program under chapter 31 of this title; and

(C) a summary description of the scope of services and assistance available under that chapter.

(2) After providing the notice required under paragraph (1) of this subsection, the Secretary shall offer the veteran the opportunity for an evaluation under section 3106(a) of this title.

(Added Pub. L. 98-543, title I, §111(a)(1), Oct. 24, 1984, 98 Stat. 2738, §363; amended Pub. L. 100-687, div. B, title XIII, §1301, Nov. 18, 1988, 102 Stat. 4127; renumbered §1163 and amended Pub. L. 102-83, §§4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404-406; Pub. L. 102-291, §2(a), May 20, 1992, 106 Stat. 178; Pub. L. 102-568, title IV, §401(a)-(d)(1), Oct. 29, 1992, 106 Stat. 4336.)

AMENDMENTS

1992—Pub. L. 102-568, §401(d)(1), substituted “Trial work periods and vocational rehabilitation for certain veterans with total disability ratings” for “Temporary program for trial work periods and vocational rehabilitation for certain veterans with total disability ratings” as section catchline.

Subsec. (a)(1). Pub. L. 102-568, §401(a)(1), substituted “after January 31, 1985,” for “during the program period”.

Subsec. (a)(2). Pub. L. 102-568, §401(a)(2), amended par. (2) generally. Prior to amendment, par. (2) read as follows: “For purposes of this section:

“(A) The term ‘qualified veteran’ means a veteran who has a service-connected disability, or service-connected disabilities, not rated as total but who has been awarded a rating of total disability by reason of inability to secure or follow a substantially gainful occupation as a result of such disability or disabilities.

“(B) The term ‘program period’ means the period beginning on February 1, 1985, and ending on December 31, 1992.”

Pub. L. 102-291 substituted “December 31, 1992” for “January 31, 1992” in subpar. (B).

Subsec. (b). Pub. L. 102-568, §401(b), substituted “The Secretary” for “During the program period, the Secretary”.

Subsec. (c)(1). Pub. L. 102-568, §401(c), substituted “after January 31, 1985, of a rating of total disability described in subsection (a)(2)” for “during the program period of a rating of total disability described in subsection (a)(2)(A)”.

1991—Pub. L. 102-83, §5(a), renumbered section 363 of this title as this section.

Subsec. (b). Pub. L. 102-83, §5(c)(1), substituted “3104(a)(2)” for “1504(a)(2)” and “3104(a)(5)” for “1504(a)(5)”.

Pub. L. 102-83, §4(b)(1), (2)(E), substituted “Secretary” for “Administrator”.

Subsec. (c). Pub. L. 102-83, §5(c)(1), substituted “3106(a)” for “1506(a)” in par. (2).

Pub. L. 102-83, §4(b)(1), (2)(E), substituted “Secretary” for “Administrator” in pars. (1) and (2).

1988—Subsec. (a)(2)(B). Pub. L. 100-687, §1301(a), substituted “1992” for “1989”.

Subsec. (c)(1). Pub. L. 100-687, §1301(b)(2), (3), substituted “(1) In” for “(1)(A) Except as provided in paragraph (4) of this subsection, in”, redesignated cls. (i), (ii), and (iii) as subpars. (A), (B), and (C), respectively, and struck out former subpar. (B) which required that, after providing notice, Administrator arrange promptly for evaluation to determine whether achievement of vocational goal by veteran is feasible.

Subsec. (c)(2). Pub. L. 100-687, §1301(b)(1), (3)(B), added par. (2) and struck out former par. (2) which related to failure of veteran to participate in evaluation, and reduction of disability rating.

Subsec. (c)(3). Pub. L. 100-687, §1301(b)(1), struck out par. (3) which related to individualized written plan of vocational rehabilitation after completion of evaluation, and failure to pursue program of vocational rehabilitation described in such plan.

Subsec. (c)(4). Pub. L. 100-687, §1301(b)(1), struck out par. (4) which read as follows: “This subsection does not apply with respect to a veteran as to whom the Administrator determines that an evaluation of vocational rehabilitation potential or achievement of a vocational goal is not reasonably feasible.”

EFFECTIVE DATE OF 1992 AMENDMENT

Section 2(d) of Pub. L. 102-291 provided that: “The amendments made by subsections (a) through (c) [amending this section and sections 1524 and 1525 of this title] shall take effect as of January 31, 1992.”

RATIFICATION OF ACTIONS OF SECRETARY OF VETERANS AFFAIRS DURING LAPSED PERIOD

Section 2(e) of Pub. L. 102-291 provided that: “The following actions of the Secretary of Veterans Affairs during the period beginning on February 1, 1992, and ending on the date of the enactment of this Act [May 20, 1992] are hereby ratified with respect to that period:

“(1) A failure to reduce the disability rating of a veteran who began to engage in a substantially gainful occupation during that period.

“(2) The provision of a vocational training program (including related evaluations and other related services) to a veteran under section 1524 of title 38, United States Code, and the making of related determinations under that section.

“(3) The provision of health care and services to a veteran pursuant to section 1525 of title 38, United States Code.”

INFORMATION; TEMPORARY PROGRAM; ADMINISTRATOR

Section 111(b) of Pub. L. 98-543 directed Administrator of Veterans' Affairs to provide, not later than Apr. 1, 1985, to certain veterans with service-connected disabilities, a statement containing information explaining subsec. (b) of this section, information explaining purposes and availability of and eligibility for, and procedures for pursuing, a vocational rehabilitation program under chapter 31 of this title, and a summary description of scope of services and assistance available under chapter 31.

REPORT TO CONGRESSIONAL COMMITTEES; TRIAL PROGRAM

Section 111(c) of Pub. L. 98-543, as amended by Pub. L. 99-576, title VII, §703(a)(2), Oct. 28, 1986, 100 Stat. 3303, directed Administrator of Veterans' Affairs to submit, not later than Apr. 15, 1988, to Committees on Veterans' Affairs of Senate and House of Representatives a report on results of implementation of this section during the three-year period beginning on Feb. 1, 1985.

CHAPTER 13—DEPENDENCY AND INDEMNITY COMPENSATION FOR SERVICE-CONNECTED DEATHS

SUBCHAPTER I—GENERAL

- Sec.
1301. Definitions.
1302. Determination of pay grade.
1304. Special provisions relating to surviving spouses.

SUBCHAPTER II—DEPENDENCY AND INDEMNITY COMPENSATION

1310. Deaths entitling survivors to dependency and indemnity compensation.
1311. Dependency and indemnity compensation to a surviving spouse.
1312. Benefits in certain cases of in-service or service-connected deaths.
1313. Dependency and indemnity compensation to children.
1314. Supplemental dependency and indemnity compensation to children.
1315. Dependency and indemnity compensation to parents.
1316. Dependency and indemnity compensation in cases of prior deaths.
1317. Restriction on payments under this chapter.
1318. Benefits for survivors of certain veterans rated totally disabled at time of death.

SUBCHAPTER III—CERTIFICATIONS

1321. Certifications with respect to pay grade.
1322. Certifications with respect to social security entitlement.
1323. Certifications with respect to circumstances of death.

AMENDMENTS

1991—Pub. L. 102-83, §§ 4(b)(3)(B), 5(b)(1), Aug. 6, 1991, 105 Stat. 405, 406, renumbered items 401 to 423 as 1301 to 1323, respectively, and in item 1323 substituted “with respect to circumstances of death” for “by Administrator”.

1988—Pub. L. 100-687, div. B, title XIV, § 1403(a)(2), Nov. 18, 1988, 102 Stat. 4130, added item 418.

1982—Pub. L. 97-306, title I, § 113(b)(2), Oct. 14, 1982, 96 Stat. 1432, struck out item 403 “Coverage of members of Reserve Officers' Training Corps”.

1976—Pub. L. 94-433, § 405(6), (8), Sept. 30, 1976, 90 Stat. 1379, substituted “surviving spouses” for “widows” in item 404 and “surviving spouse” for “widow” in item 411.

1969—Pub. L. 91-96, § 6, Oct. 27, 1969, 83 Stat. 145, substituted “Determination of pay grade” for “Computation of basic pay” in item 402 and “Certifications with respect to pay grade” for “Certifications with respect to basic pay” in item 421.

UNIFORMED SERVICES, PROMOTION OF MEMBERS IN MISSING STATUS; EFFECTIVE DATE

Provisions of section 552(a) of Title 37, Pay and Allowances of the Uniformed Services, for full effectiveness for all purposes of promotion of a member while in a missing status notwithstanding a determination of death before the making of the promotion effective as of Nov. 24, 1971, for the purposes of this chapter, see section 2 of Pub. L. 93-26, Apr. 27, 1973, 87 Stat. 26, set out as an Effective Date of 1973 Amendment note under section 552 of Title 37.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 101, 106, 107, 1151, 4213, 5105, 5310, 5313 of this title; title 10 sections 1431, 1446; title 26 section 6334; title 31 section 3803.

SUBCHAPTER I—GENERAL

§ 1301. Definitions

As used in this chapter—

The term “veteran” includes a person who died in the active military, naval, or air service. (Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1126, § 401; Pub. L. 91-24, § 4(a), June 11, 1969, 83 Stat. 33; Pub. L. 91-96, § 5, Oct. 27, 1969, 83 Stat. 145; renumbered § 1301, Pub. L. 102-83, § 5(a), Aug. 6, 1991, 105 Stat. 406.)

AMENDMENTS

1991—Pub. L. 102-83 renumbered section 401 of this title as this section.

1969—Pub. L. 91-96 struck out par. (1) which defined “basic pay”.

Par. (1). Pub. L. 91-24 substituted “sections 201, 202, 203, 204, 205, or 207 of title 37” for “sections 232(a), 232(e), or 308 of Title 37”.

EFFECTIVE DATE OF 1969 AMENDMENT

Amendment by Pub. L. 91-96 effective first day of second calendar month which begins after Oct. 27, 1969, see section 8 of Pub. L. 91-96, set out as a note under section 1302 of this title.

COST-OF-LIVING INCREASES IN COMPENSATION RATES

For limitation on increases in dependency and indemnity compensation payable under this chapter, see section 8005 of Pub. L. 101-508, set out as a note under section 1101 of this title.

§ 1302. Determination of pay grade

(a) With respect to a veteran who died in the active military, naval, or air service, such veteran's pay grade shall be determined as of the date of such veteran's death or as of the date of a promotion after death while in a missing status.

(b) With respect to a veteran who did not die in the active military, naval, or air service, such veteran's pay grade shall be determined as of—

(1) the time of such veteran's last discharge or release from active duty under conditions other than dishonorable; or

(2) the time of such veteran's discharge or release from any period of active duty for training or inactive duty training, if such veteran's death results from service-connected disability incurred during such period and if such veteran was not thereafter discharged or released under conditions other than dishonorable from active duty.

(c) The pay grade of any veteran described in section 106(b) of this title shall be that to which such veteran would have been assigned upon final acceptance or entry upon active duty.

(d) If a veteran has satisfactorily served on active duty for a period of six months or more in a pay grade higher than that specified in subsection (a) or (b) and any subsequent discharge or release from active duty was under conditions other than dishonorable, the higher pay grade shall be used if it will result in greater monthly payments to such veteran's surviving spouse under this chapter. The determination as to whether an individual has served satisfactorily for the required period in a higher pay grade shall be made by the Secretary of the department in which such higher pay grade was held.

(e) The pay grade of any person not otherwise described in this section, but who had a compensable status on the date of such person's death under laws administered by the Secretary, shall be determined by the head of the department